



भारत का राजपत्र

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सं. 21] नई दिल्ली, मई 15—मई 21, 2016, शनिवार/वैशाख 25—वैशाख 31, 1938

No. 21] NEW DELHI, MAY 15—MAY 21, 2016, SATURDAY/VAISAKHA 25—VAISAKHA 31, 1938

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं

Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त मंत्रालय

(व्यव विभाग)

नई दिल्ली, 16 मई, 2016

का.आ. 944.—केंद्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में भारत सरकार के भारतीय लेखापरीक्षा और लेखा विभाग के निम्नलिखित कार्यालयों को, जिनके 80 प्रतिशत कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

- प्रधान निदेशक लेखापरीक्षा वैज्ञानिक विभाग का कार्यालय, नई दिल्ली, शाखा कार्यालय, कोलकाता।
- प्रधान महालेखाकार (लेखा एवं हक), केरल का कार्यालय, शाखा कार्यालय, इर्णाकुलम।
- प्रधान निदेशक लेखापरीक्षा, उत्तर प्रदेश मध्य रेलवे का कार्यालय, इलाहाबाद।

[सं. ए-12034/02/2014-ईजी]
ऐनी जॉर्ज मैथ्यू, संयुक्त सचिव

MINISTRY OF FINANCE

(Department of Expenditure)

New Delhi, the 16th May, 2016

S.O. 944.—In pursuance of sub-rule(4) of rule 10 of the Official Languages (Use for official purpose of the Union) Rules, 1976, the Central Government, hereby notifies the following Officers of the Government of India in the

Indian Audit and Accounts Department, in which eighty per cent, of the staff have acquired the working knowledge of Hindi, namely :—

1. Office of the Principal Director of Audit Scientific Departments, New Delhi, Branch Office Kolkata;
2. Office of the Principal Accountant General (Accounts and Entitlements) Kerala, Branch Office Ernakulam;
3. Office of the Principal Director of Audit North Central Railway, Allahabad.

[No. A-12034/02/2014-EG]

ANNIE GEORGE MATHEW, Jt. Secy.

(राजस्व विभाग)

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 7 अप्रैल, 2016

का.आ. 945.— जनसाधारण की सूचना हेतु एतद् द्वारा यह अधिसूचित किया जाता है कि केंद्रीय विद्युत अनुसंधान संस्थान बंगलुरु नामक संगठन (पैन: एएएसी 0268 पी) को आयकर नियमावली, 1962 (उक्त नियमावली) के नियम 5ग एवं 5घ के साथ पठित आयकर अधिनियम, 1961 (उक्त अधिनियम) की धारा 35 की उपधारा (1) के खण्ड (ii) के उद्देश्य के लिए 'वैज्ञानिक अनुसंधान संस्थान' की श्रेणी में कर निर्धारण वर्ष 2003-2004 के आगे से केंद्र सरकार द्वारा निम्नलिखित शर्तों के अध्यधीन अनुमोदित किया जाता है, यथा :—

- (i) अनुमोदित 'वैज्ञानिक अनुसंधान संस्थान' का एकमात्र उद्देश्य वैज्ञानिक अनुसंधान करना होगा,
 - (ii) अनुमोदित संगठन स्वयं ही वैज्ञानिक अनुसंधान करेगा।
 - (iii) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए इसके द्वारा प्राप्त राशि के संबंध में अलग बही-लेखा रखेगा तथा उसमें अनुसंधान के लिए उपयोग की गई राशि को प्रदर्शित करेगा और ऐसी बहियों की उक्त अधिनियम की धारा 288 की उपधारा (2) के अनुसार स्पष्टीकरण में परिभाषित किए गए अनुसार लेखाकार द्वारा विधिवत हस्ताक्षरित तथा सत्यापित की गई ऐसी लेखा परीक्षा रिपोर्ट उक्त अधिनियम की धारा 139 की उपधारा (1) के अंतर्गत आयकर विवरणी भेजने की तारीख तक आयकर आयुक्त अथवा आयकर निदेशक, जिनके पास मामले का क्षेत्राधिकार है, को भेजेगा।
 - (iv) अनुमोदित संगठन सामाजिक विज्ञान में वैज्ञानिक अनुसंधान के लिए प्राप्त दान राशि एवं प्रयुक्त राशि का एक अलग विवरण रखेगा तथा प्रति विधिवत प्रमाणित ऐसे विवरण की एक प्रति लेखा परीक्षा द्वारा ऊपर संदर्भित लेखा परीक्षा की रिपोर्ट के साथ भेजी जाएगी।
2. केंद्र सरकार अनुमोदन को वापस लेगा यदि अनुमोदित संगठन:-
- (क) पैराग्राफ 1 के उप पैराग्राफ (iii) में संदर्भित एक अलग बही-लेखा नहीं रखता: अथवा
 - (ख) पैराग्राफ 1 के उप पैराग्राफ (iii) में संदर्भित इसकी लेखा-परीक्षा रिपोर्ट नहीं भेजता: अथवा
 - (ग) पैराग्राफ 1 के उप-पैराग्राफ (iv) में संदर्भित वैज्ञानिक अनुसंधान के लिए इसको प्राप्त दान राशि एवं प्रयुक्त राशि का विवरण नहीं भेजता: अथवा
 - (घ) इसके अनुसंधान कार्यकलापों को जारी रखना बंद कर दे अथवा इसकी अनुसंधान गतिविधियां उपयुक्त नहीं पायी जाती हैं, अथवा

(ङ) उक्त नियमावली के नियम 5ग तथा 5घ के साथ पठित उक्त अधिनियम की धारा 35 की उप-धारा 1 के खण्ड (ii) के प्रावधानों के अनुरूप कार्य करना तथा अनुपालन करना बंद कर दे।

[अधिसूचना सं. 27/2016/फा. सं. 203/32/2015/आईटीए-II]

रोहित गर्ग, उप सचिव

(Department of Revenue)

(CENTRAL BOARD OF DIRECT TAXES)

New Delhi, the 7th April, 2016

S.O. 945.—It is hereby notified for general information that the organization Central Power Research Institute Bengaluru (PAN:- AAAAC0268P) has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 (said Act), read with Rules 5C and 5D of the Income-tax Rules, 1962 (said Rules), from Assessment year 2003-2004 onwards in the category of ‘Scientific Research Association’, subject to the following conditions, namely :—

- (i) The sole objective of the approved ‘Scientific Research Association’ shall be to undertake scientific research;
 - (ii) The approved organization shall carry out scientific research by itself;
 - (iii) The approved organization shall maintain **separate books of accounts** in respect of the sums received by it for scientific research, reflect therein the amounts used for carrying out research, get such books audited by an accountant as defined in the explanation to sub-section (2) of section 288 of the said Act and furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income-tax having jurisdiction over the case, by the due date of furnishing the return of income under sub-section (1) of section 139 of the said Act;
 - (iv) The approved organization shall maintain a **separate statement of donations** received and amounts applied for scientific research in social science and a copy of such statement duly certified by the auditor shall accompany the report of audit referred to above.
2. The Central Government shall withdraw the approval if the approved organization:-
- (a) fails to maintain **separate books of accounts** referred to in sub-paragraph (iii) of paragraph 1; or
 - (b) fails to furnish its audit report referred to in sub-paragraph (iii) of paragraph 1; or
 - (c) fails to furnish its statement of the donations received and sums applied for scientific research referred to in sub-paragraph (iv) of paragraph 1; or
 - (d) ceases to carry on its research activities or its research activities are not found to be genuine; or
 - (e) ceases to conform to and comply with the provisions of clause (ii) of sub-section (1) of section 35 of the said Act read with rules 5C and 5D of the said Rules.

[Notification No. 27/2016/F. No. 203/32/2015/ITA-II]

ROHIT GARG, Dy. Secy.

नई दिल्ली, 26 अप्रैल, 2016

का.आ. 946.—जनसाधारण की सूचना हेतु एतद् द्वारा यह अधिसूचित किया जाता है कि ओएनजीसी ऊर्जा केंद्र ट्रस्ट इंद्रा चौक, नई दिल्ली (पैन:- एएटीओ.2299एम) अनुसंधान, संस्थान को आयकर नियमावली, 1962 (उक्त नियमावली), के नियम 5ग एवं 5घ के साथ पठित आयकर अधिनियम, 1961 (उक्त अधिनियम) की धारा 35 की उपधारा(1) खण्ड (ii) के उद्देश्य के लिए ‘वैज्ञानिक अनुसंधान संस्थान’ की श्रेणी में कर निर्धारण वर्ष 2015-2016 के आगे से केंद्र सरकार द्वारा निम्नलिखित शर्तों के अध्यधीन अनुमोदित किया जाता है, यथा:-

- (v) अनुमोदित ‘वैज्ञानिक अनुसंधान संस्थान’ का एकमात्र उद्देश्य वैज्ञानिक अनुसंधान करना होगा,
- (vi) अनुमोदित संगठन स्वयं ही वैज्ञानिक अनुसंधान करेगा।

(vii) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए इसके द्वारा प्राप्त राशि के संबंध में अलग बही-लेखा रखेगा तथा उसमें अनुसंधान के लिए उपयोग की गई राशि को प्रदर्शित करेगा और ऐसी वहियों की उक्त अधिनियम की धारा 288 की उपधारा (2) के अनुसार स्पष्टीकरण में परिभाषित किए गए अनुसार लेखाकार द्वारा विश्वित हस्ताक्षरित तथा सत्यापित की गई ऐसी लेखा परीक्षा रिपोर्ट उक्त अधिनियम की धारा 139 की उपधारा (1) के अंतर्गत आयकर विवरणी भेजने की तारीख तक आयकर आयुक्त अथवा आयकर निदेशक, जिनके पास मामले का क्षेत्राधिकार है, को भेजेगा।

(viii) अनुमोदित संगठन सामाजिक विज्ञान में वैज्ञानिक अनुसंधान के लिए प्राप्त दान राशि एवं प्रयुक्त राशि का एक अलग विवरण रखेगा तथा विश्वित प्रमाणित ऐसे विवरण की एक प्रति लेखा परीक्षा द्वारा ऊपर संदर्भित लेखा परीक्षा की रिपोर्ट के साथ भेजी जाएगी।

2. केंद्र सरकार अनुमोदन को वापस लेगा यदि अनुमोदित संगठन:-

- (क) पैराग्राफ 1 के उप पैराग्राफ (iii) में संदर्भित एक अलग बही-लेखा नहीं रखता: अथवा
- (ख) पैराग्राफ 1 के उप पैराग्राफ (iii) में संदर्भित इसकी लेखा-परीक्षा रिपोर्ट नहीं भेजता: अथवा
- (ग) पैराग्राफ 1 के उप-पैराग्राफ (iv) में संदर्भित वैज्ञानिक अनुसंधान के लिए इसको प्राप्त दान राशि एवं प्रयुक्त राशि का विवरण नहीं भेजता: अथवा
- (घ) इसके अनुसंधान कार्यकलापों को जारी रखना बंद कर दे अथवा इसकी अनुसंधान गतिविधियां उपयुक्त नहीं पायी जाती हैं; अथवा
- (ङ) उक्त नियमावली के नियम 5ग तथा 5घ के साथ पठित उक्त अधिनियम की धारा 35 की उप-धारा 1 के खण्ड (ii) के प्रावधानों के अनुरूप कार्य करना तथा अनुपालन करना बंद कर दे।

[अधिसूचना सं. 28/2016/फा. सं. 203/14/2015/आईटीए-II]

रोहित गर्ग, उप-सचिव

New Delhi, the 26th April, 2016

S.O. 946.—It is hereby notified for general information that the organization ONGC Energy Centre Trust Indra Chowk New Delhi (PAN:- AAATO2299M) has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 (said Act), read with Rules 5C and 5D of the Income-tax Rules, 1962 (said Rules), from Assessment year 2015-2016 onwards in the category of ‘Scientific Research Association’, subject to the following conditions, namely :—

- (i) The sole objective of the approved ‘Scientific Research Association’ shall be to undertake scientific research;
- (ii) The approved organization shall carry out scientific research by itself;
- (iii) The approved organization shall maintain separate books of accounts in respect of the sums received by it for scientific research, reflect therein the amounts used for carrying out research, get such books audited by an accountant as defined in the explanation to sub-section (2) of section 288 of the said Act and furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income-tax having jurisdiction over the case, by the due date of furnishing the return of income under sub-section (1) of section 139 of the said Act;
- (iv) The approved organization shall maintain a separate statement of donations received and amounts applied for scientific research in social science and a copy of such statement duly certified by the auditor shall accompany the report of audit referred to above.

3. The Central Government shall withdraw the approval if the approved organization:-

- (a) fails to maintain separate books of accounts referred to in sub-paragraph (iii) of paragraph 1; or
- (b) fails to furnish its audit report referred to in sub-paragraph (iii) of paragraph 1; or
- (c) fails to furnish its statement of the donations received and sums applied for scientific research referred to in sub-paragraph (iv) of paragraph 1; or

- (d) ceases to carry on its research activities or its research activities are not found to be genuine; or
- (e) ceases to conform to and comply with the provisions of clause (ii) of sub-section (1) of section 35 of the said Act read with rules 5C and 5D of the said Rules.

[Notification No. 28/2016/F. No. 203/14/2015/ITA-II]

ROHIT GARG, Dy. Secy.

विदेश मंत्रालय

(सी.पी.वी. प्रभाग)

नई दिल्ली, 10 मई, 2016

का.आ. 947.—राजनयिक और कोंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद् द्वारा, केंद्र सरकार भारत के दूतावास, मस्कत में श्री करणदीप सिंह, सहायक अनुभाग अधिकारी को दिनांक 10 मई, 2016 से सहायक कोंसुलर अधिकारी के तौर पर कोंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है।

[सं. टी- 4330/01/2016]

प्रकाश चन्द, उप सचिव (कोंसुलर)

MINISTRY OF EXTERNAL AFFAIRS

(CPV DIVISION)

New Delhi, the 10th May, 2016

S.O. 947.—Statutory Order in pursuance of clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby appoints Shri Karandeep Singh, ASO as Assistant Consular Officer in the Embassy of India, Muscat to perform Consular services with effect from 10 May, 2016.

[No.T- 4330/01/2016]

PRAKASH CHAND, Dy. Secy. (Consular)

नई दिल्ली, 10 मई, 2016

का.आ. 948.—राजनयिक और कोंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद् द्वारा, केंद्र सरकार भारत के दूतावास, यांगोन में श्री कातिकिय कुमार, सहायक अनुभाग अधिकारी को दिनांक 10 मई, 2016 से सहायक कोंसुलर अधिकारी के तौर पर कोंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है।

[सं. टी- 4330/01/2015]

प्रकाश चन्द, उप सचिव (कोंसुलर)

New Delhi, the 10th May, 2016

S.O. 948.—Statutory Order in pursuance of clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby appoints Shri Kartikey Kumar, ASO as Assistant Consular Officer in the Embassy of India, Yangon to perform Consular services with effect from 10 May, 2016.

[No. T- 4330/01/2015]

PRAKASH CHAND, Dy. Secy. (Consular)

नई दिल्ली, 11 मई, 2016

का.आ. 949.—राजनयिक और कोंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद् द्वारा, केंद्र सरकार भारत के दूतावास, अदिस अबाबा में श्री मनोज कुमार सिंह, सहायक अनुभाग अधिकारी को दिनांक 11 मई 2016 से सहायक कोंसुलर अधिकारी के तौर पर कोंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है।

[सं. टी. 4330/01/2016]

प्रकाश चन्द, उप सचिव (कोंसुलर)

New Delhi, the 11th May, 2016

S.O. 949.—Statutory Order in pursuance of clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby appoints Shri Manoj Kumar Singh, ASO as Assistant Consular Officer in the Embassy of India, Addis Ababa to perform the Consular services with effect from 11 May 2016.

[No. T. 4330/01/2016]

PRAKASH CHAND, Dy. Secy. (Consular)

वाणिज्य एवं उद्योग मंत्रालय

(वाणिज्य विभाग)

नई दिल्ली, 11 मई, 2016

का.आ. 950.—केन्द्रीय सरकार, निर्यात (गुणवत्ता नियंत्रण एंवं निरीक्षण) नियमावली, 1964 के नियम 12, के उपनियम (2) के साथ पठित निर्यात (गुणवत्ता नियंत्रण एंवं निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स मिनेरल्स लैब सर्विसेस प्राइवेट लिमिटेड, चौथी मंज़िल, कर्मा पीस एवेन्यू, एफ. एल. गोम्स रोड, वास्को-डी-गामा 403802 को इस अधिसूचना, के शासकीय राजपत्र में प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए भारत सरकार के वाणिज्य मंत्रालय, की तारीख 20 दिसम्बर, 1965 की का॰ आ॰ 3975 के तहत अधिसूचना में उपावद्ध अनुसूचियों में विनिर्दिष्ट खनिज और अयस्क, समूह-I, अर्थात्, लौह अयस्क और बॉक्साइट, को निर्यात से पूर्व निप्रलिखित शर्तों के अधीन गोआ, में उक्त खनिज और अयस्क के निरीक्षण करने के लिए एक अभिकरण के रूप में मान्यता देती है, अर्थात् :-

(i) मैसर्स मिनेरल्स लैब सर्विसेस प्राइवेट लिमिटेड, चौथी मंज़िल, कर्मा पीस एवेन्यू, एफ. एल. गोम्स रोड, वास्को-डी-गामा 403802, खनिज और अयस्क ग्रुप -I का निर्यात (निरीक्षण) नियमावली 1965, के नियम 4 के अधीन उनके द्वारा अपनाई गई निरीक्षण की पद्धति की जांच करने के लिए, इस निमित्त निर्यात निरीक्षण परिषद् द्वारा नामनिर्दिष्ट अधिकारियों को पर्याप्त सुविधाएं देगी; और

(ii) मैसर्स मिनेरल्स लैब सर्विसेस प्राइवेट लिमिटेड, चौथी मंज़िल, कर्मा पीस एवेन्यू, एफ. एल. गोम्स रोड, वास्को-डी-गामा 403802, इस अधिसूचना के अधीन अपने कार्यों के निष्पादन में निदेशक (निरीक्षण एंवं गुणवत्ता नियंत्रण) निर्यात निरीक्षण परिषद समय-समय पर लिखित में दिए गए ऐसे निर्देशों से आवद्ध होंगे।

[फा. सं. 4/4/2016-निर्यात निरीक्षण]

संतोष कुमार सारंगी, संयुक्त सचिव

MINISTRY OF COMMERCE AND INDUSTRY

(Department of Commerce)

New Delhi, the 11th May, 2016

S.O. 950.—In exercise of the powers conferred by sub-section (1) of section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), read with sub-rule (2) of rule 12 of the Export (Quality Control and Inspection) Rules, 1964, the Central Government hereby recognises M/s. Minerals Lab Services Private Limited, 4th Floor, Karma Peas Avenue, F.L. Gomes Road, Vasco-da-Gama, Goa-403802, as an agency for a period of three years from the date of publication of this notification in the official Gazette, for the inspection of Minerals and Ores, Group- I, namely, Iron Ore and Bauxite, specified in the Schedule annexed to the notification of the Government of India in the Ministry of Commerce *vide* S.O. 3975, dated the 20th December 1965, prior to export of the said Minerals and Ores at Goa, subject to the following conditions, namely: -

- (i) that M/s. Minerals Lab Services Private Limited, 4th Floor, Karma Peas Avenue, F.L. Gomes Road, Vasco-da-Gama, Goa-403802, shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in carrying out the inspection under rule 4 of the Export of Minerals and Ores, Group-I (Inspection) Rules, 1965; and
- (ii) that M/s. Minerals Lab Services Private Limited, 4th Floor, Karma Peas Avenue, F.L. Gomes Road, Vasco-da-Gama, Goa-403802, in the performance of their function under this notification shall be bound by such directions as the Director (Inspection and Quality Control), Export Inspection Council may give in writing from time to time.

[F. No. 4/4/2016 – Export Inspection]

SANTOSH KUMAR SARANGI, Jt. Secy.

नई दिल्ली, 17 मई, 2016

का.आ. 951.—केन्द्रीय सरकार, निर्यात (गुणवत्ता नियंत्रण एंव निरीक्षण) नियमावली, 1964 के नियम 12, के उपनियम (2) के साथ पठित निर्यात (गुणवत्ता नियंत्रण एंव निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स मिनेरल्स लैब सर्विसेस प्राइवेट लिमिटेड, सी/ओ प्रभाकर जे रावूल, हाउस नंबर 2073 म्हर्तलिवली, रेडी सिंधुदुर्ग, महाराष्ट्र – 416517 को इस अधिसूचना, के राजपत्र में प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए भारत सरकार के वाणिज्य मंत्रालय, की अधिसूचना सं. का.आ. 3975, तारीख 20 दिसम्बर, 1965 से उपाबद्ध अनुसूचियों में विनिर्दिष्ट खनिज और अयस्क के निरीक्षण, (ग्रुप-।) , अर्थात् लौह अयस्क को क्रमशः निर्यात से पूर्व निम्नलिखित शर्तों के अधीन रेडी पत्तन में उक्त खनिज और अयस्क के निरीक्षण करने के लिए एक अभिकरण के रूप में मान्यता देती है, अर्थात् :

(i) यह कि मैसर्स मिनेरल्स लैब सर्विसेस प्राइवेट लिमिटेड, सी/ओ प्रभाकर जे रावूल, हाउस नंबर 2073 म्हर्तलिवली, रेडी सिंधुदुर्ग, महाराष्ट्र – 416517, खनिज और अयस्क ग्रुप -। का निर्यात (निरीक्षण) नियम, 1965 के नियम 4 के अधीन निरीक्षण करने के लिए उनके द्वारा अपनाई गई निरीक्षण की पद्धति की जांच करने के लिए, निर्यात निरीक्षण परिषद् द्वारा निमित्त नामनिर्दिष्ट अधिकारियों को पर्याप्त सुविधाएं प्रदान करेगा।

(ii) यह कि मैसर्स मिनेरल्स लैब सर्विसेस प्राइवेट लिमिटेड, सी/ओ प्रभाकर जे रावूल, हाउस नंबर 2073 म्हर्तलिवली, रेडी सिंधुदुर्ग, महाराष्ट्र – 416517, इस अधिसूचना के अधीन अपने कार्यों के निष्पादन में ऐसे निदेशों से आबद्ध होगा जो निदेशक (निरीक्षण और क्वालिटी नियंत्रण) निर्यात निरीक्षण परिषद् समय-समय पर लिखित में दिये जाए।

[फा. सं. 4/5/16 - निर्यात निरीक्षण]

संतोष कुमार सारंगी, संयुक्त सचिव

New Delhi, the 17th May, 2016

S.O. 951.—In exercise of the powers conferred by sub-section (1) of section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), read with sub-rule (2) of rule 12 of the Export (Quality Control and Inspection) Rules, 1964, the Central Government hereby recognises M/s. Minerals Lab Services Private Limited, C/o: Prabhakar J Rawool, House No. 2073, Mhartalewali, Redi, Sindhudurg, Maharashtra- 416 517, as an agency for a period of three years from the date of publication of this notification, for inspection of Minerals and Ores (Group- I), namely, Iron Ore specified in the Schedule annexed to the notification of the Government of India in the Ministry of Commerce *vide* number S.O. 3975, dated the 20th December 1965, prior to export of the said Minerals and Ores at Redi port, subject to the following conditions, namely:-

- (i) that M/s. Minerals Lab Services Private Limited, C/o: Prabhakar J Rawool, House No. 2073, Mhartalewali, Redi, Sindhudurg, Maharashtra- 416 517, shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in carrying out the inspection under rule 4 of the Export of Minerals and Ores, Group-I (Inspection) Rules, 1965 and;
- (ii) that M/s. Minerals Lab Services Private Limited, C/o: Prabhakar J Rawool, House No. 2073, Mhartalewali, Redi, Sindhudurg, Maharashtra- 416 517, in the performance of their function under this notification shall be bound by such directions as the Director (Inspection and Quality Control), Export Inspection Council may give in writing from time to time.

[F. No. 4/5/2016 – Export Inspection]

SANTOSH KUMAR SARANGI, Jt. Secy.

स्वास्थ्य एवं परिवार कल्याण मंत्रालय

(स्वास्थ्य एवं परिवार कल्याण विभाग)

नई दिल्ली, 11 मई, 2016

का.आ. 952.—जबकि भारतीय आयुर्विज्ञान परिषद (संशोधन) अध्यादेश, 2013 की धारा 3क की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारतीय चिकित्सा परिषद का दिनांक 6 नवंबर, 2013 को पुनर्गठन किया गया था;

और जबकि भारतीय आयुर्विज्ञान अधिनियम, 1956 (1956 का 102) की धारा 3 की उप-धारा (1)(क) के प्रावधान के अनुसरण में डॉ. सुरेन्द्र के. अहलुवालिया को दिनांक 06.11.2013 से हिमाचल प्रदेश सरकार के प्रतिनिधि के रूप में भारतीय आयुर्विज्ञान परिषद सदस्य नामित किया गया था;

और जबकि हिमाचल प्रदेश सरकार ने सूचित किया है कि आईएमसी अधिनियम, 1956 की धारा 3(1)(क) के अंतर्गत हिमाचल प्रदेश सरकार का प्रतिनिधित्व करने वाले डॉ. सुरेन्द्र के. अहलुवालिया प्राइवेट संस्थान एमएम मेडिकल कॉलेज के प्रधानाचार्य थे। और यह कि एमसीआई में आईएमसी अधिनियम, 1956 की धारा 3(1) (ख) के अंतर्गत विश्वविद्यालय के प्रतिनिधि के रूप में डॉ. मुकेश शर्मा उनके अपने नामिती हैं। डॉ. सुरेन्द्र के. अहलुवालिया के राज्य सरकार का नामिती बने रहने में निहित स्वार्थ प्रतीत होता है क्योंकि यह अनुपयुक्त है कि प्राइवेट मेडिकल कॉलेज के दो नामिती एमसीआई के सदस्य बने रहें।

और जबकि मामले को विधि और न्याय मंत्रालय, विधि कार्य विभाग के साथ उठाया गया था जिसने यह सलाह दी है कि साधारण खंड अधिनियम, 1897 की धारा 16 के अनुसार 'नियुक्ति का अधिकार में, निलंबन या बर्खास्त किए जाने का अधिकार भी शामिल है' – जिसके द्वारा किसी (केंद्रीय अधिनियम) या विनियम, कोई नियुक्ति करने का अधिकार प्रदान किया जाता है, तत्पश्चात्, जब तक कोई भिन्न आशय प्रतीत न हो, नियुक्ति करने के अधिकार वाली प्राधिकारी (वर्तमान के लिए) को इस अधिकार का प्रयोग करते हुए नियुक्त किसी व्यक्ति (चाहे स्वयं या किसी अन्य प्राधिकारी द्वारा) को निलंबित या बर्खास्त करने का अधिकार भी है।

अब इसलिए उपर्युक्त सलाह के अनुसरण में तथा साधारण खंड अधिनियम, 1897 की धारा 16 के अंतर्गत केंद्र सरकार शक्तियों का प्रयोग करते हुए केंद्र सरकार डॉ. सुरेन्द्र के. अहलुवालिया की एमसीआई की सदस्यता को तत्काल प्रभाव से समाप्त करती है।

[सं. वी-11013/01/2013-एमईपी]

अमित बिस्वास, अवर सचिव

पाद टिप्पणी:- मूल अधिसूचना 9 जनवरी, 1960 के का.आ. 138 द्वारा भारत के राजपत्र में प्रकाशित की गई थी और इसमें अंतिम बार भारतीय आयुर्विज्ञान परिषद (संशोधन) दूसरा अध्यादेश, 2013 (2013 का 11) द्वारा संशोधन किया गया था।

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

New Delhi, the 11th May, 2016

S.O. 952.—Whereas on 6th November, 2013, the Medical Council of India was re-constituted in exercise of the powers conferred by sub-section (1) of section 3A of the Indian Medical Council (Amendment) Ordinance, 2013;

And whereas in pursuance of the provision of sub-section (1)(a) of Section 3 of the Indian Medical Act, 1956 (102 of 1956) Dr. Surendra K. Ahluwalia was nominated as a member of the Medical Council of India representing Government of Himachal Pradesh with effect from 06-11-2013;

And whereas the Government of Himachal Pradesh has informed that Dr. Surendra K. Ahluwalia, representing Government of Himachal Pradesh under section 3(1)(a) of IMC Act, 1956 was the Principal of MM Medical College, a private Institute. And that the University has its own nominee Dr. Mukesh Sharma as representative of the University under section 3 (1) (b) of IMC Act, 1956 in the MCI. There appears to be conflict of interest in Dr. Surendra K. Ahluwalia continuing as State Govt. nominee as it is inappropriate that two nominees of a private medical college continue as Members of the MCI.

And whereas the matter was taken up with Ministry of Law & Justice, Department of Legal Affairs which has advised that as per Section 16 of the General Clauses Act, 1897 ‘Power to appoint includes power to suspend or dismiss’ – where by any (Central Act) or Regulation, a power to make any appointment is conferred, then, unless a different intention appears, the authority having (for the time being) power to make the appointment shall also have power to suspend or dismiss any person appointed (whether by itself or any other authority) in exercise of that power.

Now therefore in pursuance of the aforesaid advice and invoking the powers of the Central Government under Section 16 of the General Clauses Act, 1897, the Central Government terminates Dr. Surendra K. Ahluwalia from the membership of MCI with immediate effect.

[No. V-11013/01/2013-MEP]

AMIT BISWAS, Under Secy.

Foot Note:—The principal notification was published in the Gazette of India vide number S.O. 138 dated the 9th January, 1960 and was last amended vide Indian Medical Council (Amendment) Second Ordinance, 2013 (11 of 2013).

भारी उच्योग और लोक उच्यम मंत्रालय

(भारी उच्योग विभाग)

नई दिल्ली, 12 मई, 2016

का.आ. 953.—सार्वजनिक परिसर (अनधिकृत दब्बलकारी की बेदब्बली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का उपयोग करते हुए, इस विभाग द्वारा फाइल सं. 1(12)/2008-पीई-II दिनांक 30.10.2009 और 12.11.2013 के तहत जारी की गई अधिसूचना के क्रम में केन्द्र सरकार एतद् द्वारा उक्त अधिनियम के प्रयोजनों के लिए नीचे दी गई तालिका के कॉलम 1 में उल्लिखित अधिकारियों को सरकार के

राजपत्रित रैंक के समकक्ष अधिकारी होने के नाते, सम्पदा अधिकारी के रूप में नियुक्त करती है, जो उक्त तालिका के कॉलम 2 में विनिर्दिष्ट सार्वजनिक परिसरों के संबंध में अपने क्षेत्राधिकार की सम्पदाओं पर दी गई शक्तियों का प्रयोग और कर्तव्यों का पालन करेंगे।

अधिकारी का नाम व पदनाम	सार्वजनिक परिसरों के वर्ग तथा क्षेत्राधिकार की स्थानीय सीमाएं
श्री एम. एस. सूर्यनारायण प्रबंधक (यूएच) हैदराबाद इकाई	हैदराबाद इकाई, पी.ओ. हिन्दुस्तान केवल्स, हैदराबाद-500051 स्थित परिसर
श्री के. के. सिंह, प्रबंधक (सीएफ/टीकेपी) नई दिल्ली	क्षेत्रीय कार्यालय, ए-40 रंजीत सिंह ब्लॉक, एशियन गेम्स विलेज, नई दिल्ली-10049 स्थित परिसर

[सं. 1(12)/ 2008-पीई-II]

ए.ल. सी. राम, अवर सचिव

MINISTRY OF HEAVY INDUSTRIES AND PUBLIC ENTERPRISES

(Department of Heavy Industry)

New Delhi, the 12th May, 2016

S.O. 953.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupations) Act, 1971 (40 of 1971), the Central Government in continuation of this Department's Notification issued under F. No. 1(12)/2008-PE-II, dated 30.10.2009 & 12.11.2013 hereby appoints the officers mentioned in column 1 of the table below, being officer, equivalent to the rank of Gazetted Officer of Government to be an Estate Officer for the purposes of the said Act, who shall exercise the powerp conferred and perform the duties imposed on the Estates of his jurisdiction in respect of the public premises specified in column 2 of the said Table.

Name & Designation of the Officer	Categories of public premises and local limits of jurisdiction
Shri M. S. Suryanarayana Manager (UH) Hyderabad Unit	Premises at Hyderabad Unit, P.O. Hindustant Cables, Hyderabad-500051
Shri K. K. Singh (CF/TKP) New Delhi	Premises at Regional Officer, New Delhi, A-40 Ranjit Singh Block, Asian Games Villages, New Delhi-110049.

[No. 1(12)/2008-PE-II]

L. C. RAM, Under Secy.

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 10 मई, 2016

का.आ. 954.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 153/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10/05/2016 को प्राप्त हुआ था।

[सं. ए.ल-20012/146/2001-आई. आर. (सी-1)]

ए.म. के. सिंह, अनुभाग अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 10th May, 2016

S.O. 954.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 153 of 2001) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 10.05.2016.

[No. L-20012/146/2001-IR(C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947.

Reference: No. 153/2001

Employer in relation to the management of Phularitand Colliery, M/s. BCCL

AND

Their workmen

Present: -Sri R. K. Saran, Presiding Officer**Appearances:**

For the Employers :- Sri D.K. Verma, Advocate

For the workman . :- None

State : Jharkhand. Industry-Coal

Dated-18/04/ 2016

AWARD

By order No. L-20012 /146/2001-IR(C-1) dated 10/07/2001, the central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub –section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEME

“Whether the demand of Rashtyriya Colliery Mazdoor Sangh for appointment of Sri Chaneshwar Mohali, S/O Lakshman Mohli workman of Phularitand Colliery of M/s. BCCL on Compassionate ground is proper and justified? If so, to what relief is the said dependant entitled?”

2. After receipt of the reference , both parties are noticed. But the workman appears for certain dates. Subsequently the workman does not appears. Case remain pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 10 मई, 2016

का.आ. 955.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/ श्रम न्यायालय नं. 1, धनबाद के पचाट (संदर्भ संख्या 31/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10.05.2016 को प्राप्त हुआ था।

[सं. एल-20012/403/2000-आई. आर. (सी.एम.-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 10th May, 2016

S.O. 955.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 31 of 2001) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 10.05.2016.

[No. L-20012/403/2000-IR(CM-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT NO.I, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act.1947
Ref. No. 31 of 2001

Employer in relation to the management of Katras Chaitudih Colliery, M/S. BCCL,

AND

Their workman

Present: Sri Ranjan Kumar Saran, Presiding Officer

Appearances :

For the Employers : Shri D.K.Verma ,Advocate

For the workman : Shri S.C.Gour, Rep.

State : Jharkhand.

Industry :-Coal.

Dated ...18/04 /2016

AWARD

By Order No.L-20012/403/2000-IR (CM-I), dated.25/01/2001, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of Katras Chaitudih Colliery of M/S. BCCL in dismissing Sri Dhowa Jaina, M/Loader, from the service of the company w.e.f. 08.02.1999 , is justified? If not, to What relief is the concerned workman entitled ?”

2. After receipt of the reference, both parties are noticed. After appearing for certain dates by parties. Ld. Counsel of the workman submits in the meantime that the workman is not interested to contest the case further. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 10 मई, 2016

का.आ. 956.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बीसीसीएल के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं० 1, धनबाद के पंचाट (संदर्भ संख्या 44/1994) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10.05.2016 को प्राप्त हुआ था ।

[सं. एल-20012/85/1993-आई. आर. (सी.-1)]

एम. कै. सिंह, अनुभाग अधिकारी

New Delhi, the 10th May, 2016

S.O. 956.— In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 44 of 1994) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 10.05.2016.

[No. L-20012/85/1993-IR (C-I)]

M.K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947.

Reference: No. 44 of 1994

Employer in relation to the management of Bhagabandh Colliery, M/S. BCCL

AND

Their workman

Present: Shri R.K.Saran, Presiding Officer

Aparances: T

For the Employers :- Shri N.M.Kumar, Aevocate

For the workman :- None

State : Jharkhand Industry- Coal

Dated- 15/04/2016

AWARD

By order No. L-20012 /85/1993-IR(C-1) dated Nil , the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub –section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

“ Whether the action of the management of Bhagabandh Colliery of M/S. Bharat Coking coal Ltd., P.O –Bhagabandh,-Dhanbad in denying the wages for idle period w.e.f. 01.07.90 to 08.05.91 to Shri Shorha Bhar is justified? If not, to what relief the workman is entitled?”

2. After receipt of the reference, both parties are noticed. But appearing for certain dates none appears subsequently on behalf of the workman. Case remains pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed.

R .K. SARAN, Presiding Officer

नई दिल्ली, 10 मई, 2016

का.आ. 957.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बीसीसीएल के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/ श्रम न्यायालय नं 1, धनबाद के पंचाट (संदर्भ संख्या 13/1994) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10.05.2016 को प्राप्त हुआ था।

[सं. एल-20012/20/1993-आई. आर. (सी.-1)]

एम. कै. सिंह, अनुभाग अधिकारी

New Delhi, the 10th May, 2016

S.O. 957.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 13 of 1994) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 10.05.2016.

[No. L-20012/20/1993-IR (C-I)]

M.K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD

In the matter of reference U/s 10 (1) (d) (2A) of I.D.Act. 1947.

Reference: No. 13 of 1994

Employer in relation to the management of Kenduadih Colliery, M/s. BCCL
AND
Their workman

Present: **Shri R. K.Saran**

Presiding Officer

Appearances:

For the Employers :- Shri D. K. Verma, Aevocate

For the workman :- None

State : Jharkhand Industry- Coal

Dated- 11/04/2016

AWARD

By order No. L-20012 /20/1993-IR(C-1) dated 16/02/1994 , the Ventral Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub –section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

“ Whether the action of the management of Kenduadih Colliery of M/s. Bharat Coking coal Ltd., in dismissing Shri Ram Barat Ram Ex-under ground Trammer w.e.f. 26.11.83 is justified? If not, to what relief the workman is entitled?”

2. After receipt of the reference, both parties are noticed. But appearing for certain dates none appears subsequently on behalf of the workman. Case remains pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed.

R .K. SARAN, Presiding Officer

नई दिल्ली, 10 मई, 2016

का.आ. 958.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैरस्स बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम न्यायालय नं० 1, धनबाद के पंचाट (संदर्भ संख्या 17/1994) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10.05.2016 को प्राप्त हुआ था।

[सं. एल-20012/34/1993-आई आर (सी.-1)]

एम. कै. सिंह, अनुभाग अधिकारी

New Delhi, the 10th May, 2016

S.O. 958.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 17 of 1994) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 10.05.2016.

[No. L-20012/34/1993-IR (C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD

In the matter of reference U/s 10 (1) (d) (2A) of I.D.Act. 1947

Reference: No. 17 of 1994

Employer in relation to the management of Moonidih Project, M/s. BCCL

AND

Their workman

Present: Shri R.K.Saran, Presiding Officer

Appearances:

For the Employers :- None

For the workman :- None

State : Jharkhand

Industry- Coal

Dated 11/04/2016

AWARD

By order No. L-20012 /34/1993-IR(C-1) dated 16/02/1994, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub -section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

“ Whether the action of the management of Moonidih Project of M/s. BCCL, P.O –Moonidih, Dist-Dhanbad in dismissing Shri Jogeshwar Singh, w.e.f. 10.10.1991 is justified? If not, to what relief the workman is entitled?”

2. After receipt of the reference, both parties are noticed. But appearing for certain dates none appears subsequently on behalf of the workman. Case remains pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 10 मई, 2016

का.आ. 959.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण / श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 49/1994) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10/05/2016 को प्राप्त हआ था।

[सं. एल-20012/112/1993-आई आर (सी.-1)]

एम. के. सिंह, अनभाग अधिकारी

New Delhi, the 10th May, 2016

S.O. 959.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 49 of 1994) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 10.05.2016.

[No. L-20012/112/1993-IR (C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947

Reference: No. 49/1994

Employer in relation to the management of Moduda Area of M/s. BCCL

AND

Their workman

Present: Shri R. K. Saran, Presiding Officer

Appearances:

For the Employers :- None

For the workman :- None

State : Jharkhand.

Industry- Coal

Dated- 08/04/2016

AWARD

By order No. L-20012 /112/1993-IR(C-1) dated 24/03/1994, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub –section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the General manager, Mahuda Area of BCCL, P.O. Mahuda, Dt. Dhanbad in dismissing Sh. Aditya mahto, Timber mistry w.e.f. 05/08/1992 is justified? If not, to what relief is the concerned workman entitled?”

2. After receipt of the reference, both parties are noticed. But appearing for certain dates none appears subsequently. Case remains pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R.K. SARAN, Presiding Officer

नई दिल्ली, 10 मई, 2016

का.आ. 960.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 33/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10/05/2016 को प्राप्त हुआ था।

[सं. एल-20012/475/1995-आई आर (सी.-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 10th May, 2016

S.O. 960.— In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 33 of 1997) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 10.05.2016.

[No. L-20012/475/1995-IR (C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.1), DHANBAD

In the matter of reference U/s 10 (1) (d) (2A) of I.D.Act. 1947

Ref. No. 33 of 1997

Employer in relation to the management of Lodna Area, M/s. BCCL,

AND

Their workman

Present: Sri Ranjan Kumar Saran, Presiding Officer

Appearances :

For the Employers : Shri U. N. Lall, Advocate

For the workman : None

State : Jharkhand

Industry :-Coal

Dated 11.03 .2016

AWARD

By Order No.L-20012/475/1995-IR(C-I),dated.14/01/1997, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management by dismissing the workman Shri Suresh Dusadh, Loader is justified? If not, to what relief is the said workman entitled?”

2. After receipt of the reference, parties are noticed, though they took steps for certain dates, subsequently did not appears nor take any interest in the case by the workman. It is presumed that the disputes between parties have been resolved in the meantime, Hence No Dispute Award is passed.

R. K. SARAN, Presiding Officer

नई दिल्ली, 10 मई, 2016

का.आ. 961.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बीसीसीएल के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 34/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10.05.2016 को प्राप्त हुआ था।

[सं. एल-20012/384/2000-आई आर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 10th May, 2016

S.O. 961.— In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 34 of 2001) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 10.05.2016.

[No. L-20012/384/2000-IR (C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/s 10 (1) (d) (2A) of I.D. Act. 1947

Reference : No. 34 of 2001

Employer in relation to the management of Bastacolla Area, M/s. BCCL

AND

Their workmen

Present : Sri R. K. SARAN, Presiding Officer

Appearances :

For the Employers : Sri S. K. Behra, Asstt. Manager

For the workman : None

State : Jharkhand Industry-Coal

Dated : 21.3.2016

AWARD

By order No. L-20012/384/2000-IR(C-1) dated 25/01/2001, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal :

SCHEDULE

“Whether the action of the management of M/s. BCCL in not accepting the date of birth as mentioned in the Identity Card and also as mentioned in Form “B” register in respect of the workman Sri Sagar Manjhi, Miner/Loader of Bastacolla Colliery of M/s. BCCL and superannuating the workman w.e.f. 03.09.1999 is legal and justified? If not, to BCCL and superannuating the workman w.e.f. 03.09.1999 is legal and justified? If not, to what relief is the workman entitled?”

2. After receipt of the reference, both parties are noticed. But none appears by the workman. Case remain pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 10 मई, 2016

का.आ. 962.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स सीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 87/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10.05.2016 को प्राप्त हुआ था।

[सं. एल. 20012/41/2003-आई. आर. (सी.एम.-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 10th May, 2016

S.O. 962.— In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 87 of 2003) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. CCL and their workmen, which was received by the Central Government on 10.05.2016.

[No. L-20012/41/2003-IR (CM-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.1), DHANBAD

IN THE MATTER OF A REFERENCE U/S 10(1) (D) (2A) OF I.D.ACT, 1947

Ref. No. 87 of 2003

Employers in relation to the management of Sounda "D" Colliery of M/s.C.C.L.

AND

Their workmen

Present:- Sri Ranjan Kumar Saran, Presiding officer

Appearances:

For the Employers. :- Shri D.K.Verma, Advocate

For the workman :- Shri B.B.Pandey, Advocate

State :- Jharkhand

Industry:- Coal

Dated. 18.04.2016

AWARD

By Order No.L-20012/41/2003-IR(CM-I), dated -19.08..2003, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

(i) “Whether the action of the management of CCL, Sounda “D” Colliery in terminating the services of 41 workmen (as per list) w.e.f 16.09.2000 is justified? If not , to what relief are the workmen entitled?”

2 “Whether the demand of the Janta Shramik Sangh from the management of CCL, Saunda”D” Colliery for payment @ Rs. 30/- per thousand clay cartridges for the period from 01.01.97 to 01.09.98 is justified ? If so, to what relief are the workmen entitled?”

List of workmen

1. Ramchandra	2. Mini Devi	3. Somar Bhuiya
4. Suresh Prasad	5. Nirmal Ram	6. Sanjay Chouhan
7. Sanjay Kumar	8. Ramlal Ram	9.Kunti Devi
10. Malti Devi	11. Indradev Ram	12. Lakho Devi
13. Gujlari Ram	14. Maina Devi	15 . Suresh Ram
16. Chandru oraon	17. Tajwa Devi	18. Nideshwari Devi
19. Budhani	20. Ramdhani Saw	21. Kushmi Devi
22. Laljee Ram	23. Ram Brichh Saw	24. Gendhari Bhuia
25. Ram Sinhi Das	26. Rajesh oraon	27. Tipu

28. Bahadur Bhulia	29. Bihari Saw	30 Chintamani
31. Laxmi Devi	32. Birsa oraon	33. Mohan Kumar
34. Puran Ram	35. Ramesh Bhulia	36. Basdeo Bedia
37. Bhagirath Ram	38. Radha Devi	39. Ashok Kr. Ram
40. Dhaneshwari Devi	41. Shivdayal Nonia	

2. The case is received from the Ministry of Labour on 06/13.10.2003. After notice both parties appeared. But After long delay, the workman files their written statement on 06.05.2013. Thereafter the management also files their written statement-cum- rejoinder on 06.05.2014.

3. The case of the workman is that , all 41 workmen had been working as clay cartridge Mazdoor at Sounda "D" Colliery of CCL since long time and the cartridge were used by the management in different sections, mines and inclines etc. of Sounda "D" Colliery . But all of a sudden the management terminated the services of these 41 above named workmen without any reason and without any prior information or notice w.e.f 16.09.2000 which is illegal and unjustified.

4. It is further submitted by the workman that the rate of clay cartridges is fixed by the management from time to time by settlement or otherwise and the same is followed and complied with. Further it is enhanced the rate of clay cartridges from Rs. 20/- per thousand to Ra. 30/- per thousand w.e.f. 01.01.1997 But the management did not apply its decision and did not pay the due amount on the basis of enhanced rate and as such the workmen are entitled for payment of their due amount for the period from 01.01.97 to 01.09.1998.

5. On the other hand the case of the management is that one Industrial dispute in respect of clay cartridges supplier Sri Ram Chandra Ram and one 133 other to treat them as the workmen of the management and payment of category -I wages vide notification No. L20012/3/93 IR (C-1) dated 21.02.1994 which is registered as Ref. 31 of 1994 in this Tribunal. And the award passed in favour of the management stating their in that the workman is not entitled to get any relief.

6. It is further submitted by the management, that in para 10 of the said award, it is clear cut finding that as per the evidence produced by the workmen it shows that they are supplier of clay cartridges to the management and supplier can not be the employee of the management, hence question of termination of their services by the management in the reference do not arise.

7. It is also submitted by the management that so far the item no 2 of schedule of the reference is concerned , it is submitted that the demand for payment @ Rs. 30 per thousand clay cartridge for the period 01.01.97 to 01.09.1998 is not the subject matter of an Industrial dispute. The management use to purchase commodity from the supplier on agreed rate between supplier and purchaser.

8. The present set of workman already approached Tribunal vide Ref. no. 31/94 and their claim was rejected. It is not known , whether the said award has been varied or set- aside.

9. Therefore the same set of claim has already been heard and finally decided , the said matter can not be decided again and it is barred by res-judicata. Once it is declared that all workmen are not employees of the management, so far the price of clay cartridge once fixed by the parties, has already been finalized & paid to them. Therefore this Tribunal unable to give any relief to the workmen.

This is my award.

R. K. SARAN, Presiding Officer

नई दिल्ली, 10 मई, 2016

का.आ. 963.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैरस्स बीसीसीएल के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 58/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10.05.2016 को प्राप्त हुआ था।

[सं. एल-20012/173/2005-आई. आर. (सी.-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 10th May, 2016

S.O. 963.— In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 58 of 2006) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 10.05.2016.

[No. L-20012/173/2005-IR (C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD

In the matter of reference U/S 10(1) (d) (2A) of I.D.Act.1947

Ref.No. 58 of 2006

Employer in relation to the management of E.J.Area M/s. BCCL

AND

Their workman

Present:- Shri R.K.Saran, Presiding Officer

Appearances :

For the employers :- None

For the Workman :- Shri Rabindra Kumar Thakur

State :- Jharkhand

Industry :- Coal

Dated 18.04.2016

AWARD

By order No. L-20012 /173 /2005/IR (C-I) dt. 01.06.2006 the Central Government in the Ministry of Labour has, in exercise of powers conferred by clause (d) of sub-section(1) and sub section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEME

“ Whether the action of the management of Sudamdhil Shaft Mine of M/s. BCCL in dismissing Shri Jogilal Thakur is fair and justified? If not , to what relief is the concerned workman entitled?”

2. This Case is received from the Ministry on 03.07.2006. During the pendency of the case concerned workman has died. Thereafter son of the concerned workman files a petition for withdrawing this reference case. It is felt that the dispute between parties is resolved. Hence “No dispute” award is passed. Communicate.

R .K. SARAN, Presiding Officer

नई दिल्ली, 10 मई, 2016

का.आ. 964.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसरस बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (कम्प्लेण्ड संख्या 9/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10.05.2016 को प्राप्त हुआ था।

[सं. एल-20012/45/2011-आई. आर. (सी.-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 10th May, 2016

S.O. 964.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Comp. No. 9 of 2014) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 10.05.2016.

[No. L-20012/45/2011-IR (C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.1), DHANBAD

IN THE MATTER OF A COMPLAINT U/S 33 (A) OF I.D.ACT, 1947.

COMPLAINT NO. 9/2014

(Arising out of Ref. No. 8/2012)

L-20012/45/2011-IR(C-I) dt.20/12/2011

Shri Mohan Prasad
Per.No. 00684902
Dhansar Colliery, Dhansar
P.O-BankMore, DhanbadComplainant

Vs.

Chief Personal Manager
Kusunda Area, M/s. BCCL
P.O- Kusunda, Dist-DhanbadOpp. Party

Present:- Sri Ranjan Kumar Saran,

Presiding officer

Apearances:

For Complainant . :- Shri S. Prakash, Advocate

For Opp. Party : Shri U.N.Lall, Advocate

State :- Jharkhand

Industry:--Coal

Dated. : 19.04.2016

AWARD

2. Complaint received, Admitted. Notice issued to other side, After certain dates, the learned counsel for the Complainant submits that the demand is already fulfilled. Opp.party did not raise objection. Hence the complaint is closed as withdrawn. Award passed, Communicat.

This is my award.

R. K. SARAN, Presiding Officer

नई दिल्ली, 10 मई, 2016

का.आ. 965.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम न्यायालय नं. 2, धनबाद के पंचाट (संदर्भ संख्या 53/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10/05/2016 को प्राप्त हुआ था।

[सं. एल—20012/101/2014—आई. आर. (सी.एम.-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 10th May, 2016

S.O. 965.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Dhanbad (Ref. No. 53 of 2014) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 10.05.2016.

[L-20012/101/2014-IR(CM-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.2), AT DHANBAD PRESENT

Shri Kishori Ram, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1) (d) of the I.D.Act.,1947.

REFERENCE NO 53 OF 2014

PARTIES	:	The Jt. General Secretary, Bhaujan Mazdoor Union, <u>Mines Rescue Station, PO: Dhansar, Dhanbad</u>
Vs.		
The General Manager E.J. Area of M/s BCCL, PO: Bhowra, Dhanbad. <u>Order No. L-20012/101/2014-IR (CM-I) dt.08.10.2014.</u>		

APPEARANCES :

On behalf of the workman/Union :	Mr.R.R.Ram, Ld. Advocate
On behalf of the Management :	Mr.U.N. Lal, Ld. Advocate

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 16th Mar. 2016

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10(1)(d) of the I.D. Act.,1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/101/2014-IR (CM-I) dt.08.10.2014.

SCHEME

“Whether the action of the Management of Sudamdhil Incline Mine of M/s BCCL in dismissing Sri Bhagirath Bauri, Ex. M.Loader, from the services of the company vide office order dated 06.07.1998 is fair and justified? To what relief the concerned workman is entitled to?”

2. Neither the Representative for the Sponsoring Union nor the petitioner is present on date nor did file the long awaited W.S. due on the part of the Union/workman despite sending two Regd. Notices dtt. 10.11.2014 and 15.5.15 at the address of the Union/petitioner referred in the Order of the Reference but the same remained unresponsive as they

seem to be no hurry to move ahead; whereas Mr U.N. Lal, Ld. Advocate for the Management is present on date after having filed his authority.

From perusal of the case record thoroughly it transpires the Union/petitioner is no longer interested to get the case to final adjudication as sufficient opportunity had been provided to them since 27.1.2015 ; the case was posted more than eight times .The way the case is virtually halted even before unfolding after just set it rolling, shows the conduct and gesture of the Sponsoring Union that they have lost the interest in the merit of the case and the case need not warrant any further time to set it rolling for final adjudication .Under such circumstances, the Tribunal can not sit idle over it for the end of the natural justice but calls for closure of the case due to unwillingness of the Union concerned and passed an Order of 'No dispute Award' accordingly.

R. K. SARAN, Presiding Officer

नई दिल्ली, 10 मई, 2016

का. आ.966.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम न्यायालय नं. 2, धनबाद के पंचाट (संदर्भ संख्या 39/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10/05/2016 को प्राप्त हुआ था।

[सं. एल-20012/74/2007-आई. आर. (सी.एम.-1)]
एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 10th May, 2016

S.O.966.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Dhanbad (Ref. No. 39 of 2007) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 10.05.2016.

[L-20012/74/2007-IR(CM-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.2), AT DHANBAD

PRESENT

Shri R.K. Saran, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1) (d) of the I.D. Act., 1947.

REFERENCE NO 39 OF 2007.

PARTIES : :

The Vice President,
Janta Mazdoor Sangh,
At; Vihar Building, Post: Jharia,
Dhanbad.-826001

Vs.

The General Manager,
E.J. Area of M/s. BCCL.
PO: Bhowra, Dhanbad.826001
Order No. L-20012/74/2007-IR(CM-I) dt. 23.07.2007

APPEARANCES :

On behalf of the workman/Union : Mr. K.N. Singh Rep. of the workmen
On behalf of the Management : Mr. U.N. Lal, Ld. Advocate.

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 14th March 2016

A W A R D

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10(1)(d) of the I.D. Act.,1947 has referred the following dispute to this Tribunal for adjudication vide their Order No.L-20012/74/2007-IR (CM-I) dt.23.07.2007.

SCHEDULE

Whether the action of the Management of Bhowra (N) U.G. Mines of M/s BCCL in dismissing the services of Shri Hiralal B.P. S.F. Mazdoor , w.e.f. 09.12.2002 is justified and legal? If not, to what relief is the concerned workman entitled?"

None appearance either from the Union / workman nor the OP/Management was registered on date nor did file the long-awaited rejoinder by the workman followed by submission of documents by the both sides. The case has been advanced but stalled over filing of rejoinder by the Union/petitioner since 18.06.2008. There have been sufficient dates posted since then, as fact revealed from the record, giving the opportunity to come out with rejoinder on the part of the petitioner /Union but they seem to have repeatedly failed. Though two formal notices dated. 5.12.07 and 03.12.14 were also sent to the address of the Union /Petitioner at the address referred in the Order of Reference itself but that too did not work.However, the Representation of the Management was made by Mr.U.N. Lal, Ld. Advocate, who has registered his presence all through, is also significant.

It transpired from the fact there seems to be no urgency on the part of the Petitioner /Union to file the rejoinder, as proceedings stalled for want of the rejoinder since 18.06.2008 as if they are no longer interested to get it to final adjudication through trials Simultaneously the Tribunal holds of the view holding the case for any further will be termed sheer wastage of time and, for the end of the justice and in the natural interest, the case needs winding up immediately due to utter disinterestedness on the part of the Union/petitioner. Under such circumstances the case is closed; and accordingly an order of 'No Dispute Award,' is passed.

R. K. SARAN, Presiding Officer

नई दिल्ली, 10 मई, 2016

का. आ.967.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसेस बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, धनबाद के पंचाट (संदर्भ संख्या 47/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10/05/2016 को प्राप्त हुआ था।

[सं. एल—20012/84/2007-आई आर (सी.एम.-1)]
एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 10th May, 2016

S.O.967.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Dhanbad (Ref. No. 47 of 2007) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 10.05.2016.

[No. L-20012/84/2007-IR(CM-I)]
M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.2), AT DHANBAD PRESENT

Shri R. K. Saran, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1) (d) of the I.D.Act., 1947

REFERENCE NO. 47 OF 2007

PARTIES : : The Vice President,
Janta Mazdoor Sangh,

At Vihar Building, Post: Jharia, Dhanbad.

Vs.

The General Manager

Sijua Area of M/s. BCCL, PO: Sijua, Dhaanbad.

Order No. L-20012/84/2007-IR(CM-I) dt.09.08.2007

APPEARANCES :

On behalf of the workman/Union : None
On behalf of the Management : Mr.U.N.Lal, Ld. Advocate
State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 16th March 2016.

A W A R D

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10(1)(d) of the I.D. Act.,1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/84/2007-IR (CM-I) dt.09.08.2007.

SCHEDULE

Whether the action of the Management of Sendra Bansjora Colliery of M/s. BCCL in denying regularization as PR Trammer to Shri Bullu Ram M/Loader is justified and legal? If not, to what relief is the concerned workman entitled and from which date?"

2. Neither the petitioner nor the Union is reported to be present nor did file the long awaited rejoinder followed by submission of the documents by both the sides. Whereas Mr. D. K. Verma, Lt. Advocate representing Management is present on date. The proceedings of filing the W.S. by the Union /workman advanced one stage with submission of counter rejoinder by the O.P/Management. Since then the proceedings virtually came to a grinding halt for non-submission of much awaited rejoinder stood due on the part of the Union itself. Though three formal notices dated 5.12.07, 22.11.2008 and lastly one 24.11.2014 were sent at the address of the Sponsoring Union referred in the order of the Reference itself that too went unheeded .The case deals with denial of regularization as PR Trammer to the workman by the Management seeking relief there under.

By going through the records, it is apparently clear that the onus of stalling proceedings by not filing the long chased rejoinder largely rest with the Union. The gesture and conduct with Union/workman walks out, drops sufficient hint to assume as if they are least interested whatsoever to get the case to final adjudication, and there seem to be no urgency on the their part to file the rejoinder despite having been provided ample opportunity since 27.03.2008,almost on a good number of occasions . Contrary to it, merely dragging the case on one stage for so long spell time will not be worthy rather should be closed down for the end of the justice. As such the case is closed an order of "No Dispute Award" due to unwillingness of the Union/petitioner is passed.

R. K. SARAN, Presiding Officer

नई दिल्ली, 10 मई, 2016

का.आ.968.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसेस बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण / श्रम न्यायालय नं. 2, धनबाद के पंचाट (संदर्भ संख्या 46/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10/05/2016 को प्राप्त हुआ था।

[सं. एल-20012/83/2007-आई. आर. (सी.एम.-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 10th May, 2016

S.O.968—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Dhanbad (Ref. No. 46 of 2007) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 10.05.2016.

[No. L-20012/83/2007-IR(CM-I)]
M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.2), AT DHANBAD

PRESENT

Shri R. K. Saran, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D.Act., 1947

REFERENCE NO. 46 OF 2007

PARTIES : : The Vice President,
Janta Mazdoor Sangh,
At Vihar Building, Post: Jharia, Dhanbad.-826001

Vs.

The General Manager
Sijua Area of M/s BCCL.
P.O. Sijua
Distt. Dhanbad.826001

Order No. L-20012/83/2007-IR(CM-I) dated 09.08.2007

APPEARANCES :

On behalf of the workman/Union : Mr. K. N .Singh Ld. Advocate
 On behalf of the Management : Mr. D.K.Verma, Ld. Advocate

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 16th March 2016**AWARD**

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10(1)(d) of the I.D. Act.,1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/83/2007-IR (CM-I) dated 09.08.2007.

SCHEDULE

Whether the action of the Management of Sendra Bansjora Colliery of M/s. BCCL in denying regularization as PR Trammer to Shri Chhota Jailal Mahato, M/Loader is justified and legal? If not, to what relief is the concerned workman entitled and from which date?"

2. Neither the Representative nor the workman is reported to be present nor did the earlier occasions nor did file the much-awaited Rejoinder due on their part on date; whereas Mr. D.K.Verma, Ld Advocate for the Management is present. Though three Notices dated.5.12.07, 22.01.2008 and the last one posting date on 30.1.2015 were mailed to the address of the Sponsoring Union referred in the Order of the Reference itself but all went in vain even the Management side was also kept informed .The case is related to denial of regularization as PR Trammer to the workman concerned.

A through and emphatically scrutiny, it transpires that the case seems to be stalled over filing the rejoinder on the part of the Sponsoring Union over more than two years or so . Even after stepping over the 1st stage, there seems to be no urgency on the part of the Sponsoring Union to file the much awaited Rejoinder despite providing sufficient times as much as more than ten times since 24.06.2008 . This indicates to the gesture that the Union/workman is no more interested to get the case to final adjudication fuelling to speculation to testify that the case must have been resolved out of Court or an issue of meritless, as of now .Simultaneously the Tribunal shares of the view of keeping the case rolling merely for dates, does not have positive meaning rather extract the conclusion of closing down for the end of the justice. Under these circumstances the case is closed; and an order of the "No Dispute Award" is passed.

R. K. SARAN, Presiding Officer

नई दिल्ली, 10 मई, 2016

का. आ.969.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 51/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10/05/2016 को प्राप्त हुआथा।

[सं. एल-20012/100/2008-आई. आर. (सी.एम.-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 10th May, 2016

S.O.969.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 51 of 2009) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 10.05.2016.

[No. L-20012/100/2008-IR(CM-I)]
M. K. SINGH, Section Officer**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.1), DHANBAD****IN THE MATTER OF A REFERENCE U/S 10(1) (D) (2A) OF I.D.ACT, 1947****Ref. No. 51/2009**

Employers in relation to the management of P.B. Area of M/s. BCCL

And

Their workman

Present: Sri Ranjan Kumar Saran, Presiding officer

Appearances:

For the Employers : Shri D. K. Verma, Advocate

For the workman : Shri R. R. Ram, Rep.

State : Jharkhand

Industry : Coal

Dated, the 15th April, 2016

AWARD

By Order No.L-20012/100/2008-IR (CM-1), dated 22.09.2009, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

"(i) Whether the action of the Management of Kachhi Balihari Colliery under P.B Area of M/s. BCCL in dismissing the services of late Kalipado Ghatwar w.e.f 05.09.2005 is justified and legal?

(ii) Whether the demand of the Bhujan Mazdoor Union from the Management of Kachhi Balihari Colliery of M/s. BCCL for providing dependant employment to Shri Gopal Ghatwar, S/O late kalipado Ghatwar, loader is justified and legal? (iii) To what relief is the concerned workman's son entitled?"

2. The case is received from the Ministry of Labour on 14.10.2009. After receipt of the reference, both parties are noticed. The sponsoring Union files their written statement on 05.11.2009. Thereafter the management files their written statement-cum-rejoinder on 07.10.2010. One witness each side examined on their behalf. And documents of workman is marked as X to X/3.(For Identification).

3. The case of the workman is that the concerned workman was entered into his service on 17.04.1989 he was suffering from fatal disease like Hepatitis -B who was referred to Central Hospital, Dhanbad on 18.09.2005 and the management was fully aware of the facts that Kalipado Ghatwar is under the Medical care of Central Hospital, Dhanbad. But unfortunately he died on 18.09.2005 during treatment period.

4. It is also submitted by the workman that in the meantime the management issued a chargesheet on 20.05.2005 alleging absenting from his duty. But the workman was under treatment during the said period. But the management dismissed him on 05.09.2005 while he was under treatment.

5. It is further submitted by the workman that the dismissal of the concerned workman is most illegal and unjustified without proper enquiry. Hence he is entitled to get relief with full back-wages.

6. Shri Gopal Ghatwar, the dependent son of the said deceased workman represented himself before the management to provide him employment in accordance with provision of NCWA-VII but the management did not hear his grievance though his name appears in the service excerpt of the deceased workman.

7. On the other hand the case of the management is that Late Kalipado Ghatwar was an employee of KB 5/6 pits Colliery as miner/Loader . He was started absenting from his duty w.e.f. 26.03. 2005 without information and without permission which is a misconduct clause 26.1.1 of the certified standing order, therefore chargesheet dt. 20.05.2005 was issued to him.

8. The concerned workman participated in the enquiry and during enquiry full opportunity was provided to him by the enquiry officer. And the enquiry officer submitted his report holding that the charges levelled against him was proved beyond any doubt. And he was dismissed from service vide order No. 829 dated 22. 8/5.09.2005.

9. It is further submitted by the management that there is no provision for employment of the dependent of dismissed employee. Hence the demand of the Union for employment of dependent is neither legal nor justified.

10. The applicant in this reference is one of the son of the deceased workman who died after being dismissed from his respective job. Peruse the all document of the workman it is found that the concerned workman died on 29.09.2005 at 4.45 PM at Central Hospital, Dhanbad but any document related his treatment is not filed by the workman.

11. It is also found that the concerned workman was dismissed from service 08.09.2005 . It is clear that applicant claimed job in place of his dismissed deceased father which is not permissible.

12. Considering the facts and circumstances of this case, I hold that the workman has already been dismissed, he has no right left from his employers. Hence the action of the Management of Kachhi Balihari Colliery under P.B Area of M/s. BCCL in dismissing the services of late Kalipado Ghatwar w.e.f 05.09.2005 is justified and legal. Therefore his dependant child has no claim what, so ever on the management.

This is my award

R. K. SARAN, Presiding Officer

नई दिल्ली, 10 मई, 2016

का. आ.970.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 5/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10/05/2016 को प्राप्त हुआ था

[सं. एल-20012/107/2009-आई आर (सी.एम.-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 10th May, 2016

S.O.970.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 5 of 2010) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 10.05.2016.

[No. L-20012/107/2009-IR(CM-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.1), DHANBAD

IN THE MATTER OF A REFERENCE U/S 10(1) (D) (2A) OF I.D.ACT, 1947

Ref. No. 5/2010

Employers in relation to the management of Bastacolla Area of M/S. BCCL

And

Their workman

Present: Sri Ranjan Kumar Saran, Presiding officer

Appearances:

For the Employers. : Shri U.N. Lall, Advocate

For the workman.: Shri D. Mukherjee, Advocate.

State : Jharkhand

Industry : Coal

Dated, 11th April, 2016

AWARD

By Order No.L-20012/107/2009-IR (CM-1), dated 04/01/2010, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

"(i) Whether the action of the management of Bastacolla colliery of M/s. BCCL in dismissing the service of late Brij Nandan Paswan, Cableman w.e.f 23.10.2003 is justified and legal? (ii) If not, whether the demand of the Bihar Colliery Kamgar Union from the management of Bastacolla Colliery of M/S BCCL for providing dependant employment to sri Mukesh Paswan S/o Late Brij Nandan Paswan, Cableman is justified and legal? (iii) To what relief is the concerned workman's son entitled?"

2. The case is received from the Ministry of Labour on 18.01.2010. After receipt of the reference, both parties are noticed. The sponsoring Union files their written statement on 26.05.2010. Thereafter the management files their written statement-cum-rejoinder on 23.09.2011. One witness each side examined on their behalf on Preliminary point. And document of workman is marked as W-1 to W-6 as well as document of management is also marked as M-1 to M-8.

3. The case of the workman is that Sri Late Brij Nandan Paswan has been working as permanent cableman at Bastacolla Colliery. But the concerned workman was suffering from occupational disease i.e T.B . in the coal Industry. T.B is occupational disease.

4. The concerned workman Late Brij Nandan Paswan was also suffering from occupational disease of T.B and accordingly he was under the treatment of Central Hospital, Dhanbad . Initially the concerned workman was treated as out –door patient since the year 2000, thereafter he was admitted as indoor patient. Unfortunately the company's doctor

was very much negligent in the treatment of the concerned workman and accordingly discharged the concerned workman from Hospital on the alleged ground of improvement.

5. It is further submitted that the workman was not in a position to perform his duty due to his illness and he again approached the doctor of Central Hospital for his treatment and he was again admitted in the Hospital. The management was fully aware of the treatment undergone by the concerned workman in central Hospital as in-dore and out door patient. But the management issued him a false and frivolous charge-sheet dated 08.05.2002 under clause 26.1.1 for alleged habitual absence from duty and dismissed the concerned workman by completing the empty formalities.

6. It is also submitted by the workman that during the alleged absence the concerned workman under going treatment in company's hospital. And the enquiry conducted ex parte after that the workman dismissed. And the concerned workman was died before attaining the age of 60 years, as such the dependant of the concerned workman is entitled for employment. But the management denying the employment of the dependant of the deceased workman. Hence the Industrial dispute arose.

7. On the other hand the case of the management is that the concerned workman Late Brijnandan Paswan had been issued a charge-sheet dated 08.05.2002 for unauthorized habitual absence as per para 26.1.1 of the certified standing order of the company. The reply of the charge-sheet was not found satisfactory as such the disciplinary authority has decided to have domestic enquiry by appointing the enquiry Officer. During the domestic enquiry the charge sheeted workman has accepted his guilt as mention in the charge-sheet

8. It is further submitted by the management that the delinquent employee Lt Brijnandand Paswan has mentioned in his statement that due to some personal problem he had been absenting from duty w.e.f. 13.12.2000 and accepted his guilt and assured that he would not commit such mistake in future.

9. The concerned workman was appointed on 24.09.1990. The past record of attendance of last three year is as under :-

1999 :- 185 days

2000 :- 022 days

2001 :- Nil

10. As per the past record the enquiry Officer in his enquiry report, the above named workman was habitual absentee, he did not improve in his performance. Hence he has imposed the penalty of dismissal vide letter No. 1798 dated 22/23.10.2003

11. As per record it is evident that the management has rightly dismissed the workman concerned workman namely Late Brij Nandan Paswan for his mis-conduct being an habitual absentee and as such the action of the management in dismissing him is just, fair and proper. The demand of the Union for getting dependent employment to sri Mukesh Paswan son of Lt Brij Nandan Paswan is not justified.

12. The applicant in the reference is one of the son of the deceased workman who died after being dismissed from his job. He participated in domestic enquiry with his co-worker. The domestic enquiry is accepted by the workman as fair and proper 26/02/14.

13. As per letter of the deceased workman dated 20/03/2002 marked as Ext. M-2 in which he admitted that he was not feeling well at night duty on 13.12.2000 but his attendance statement shows that his attendance in 1999 is 185 days and in 2000 is only 22 days. It is cleared that he was ill from 13.12.2000 but before December 2000 his attendance was only 22 days this proved that he was habitual absentee. It is also noticed that applicant has not filed any application/intimation to show his illness before the letter dated 20.03.2002. More over the I.D case raised by the Union after the death of the concerned workman.

14. Considering the facts and circumstances of this case, I hold that the workman has already been dismissed, he has no right left from his employer. accordingly the action of the management of Bastacolla colliery of M/S BCCL in dismissing the service of late Brijnandan Paswan, Cableman w.e.f 23.10.2003 is justified and legal. Therefore his dependant child has no claim what so ever on the management. He is not entitled to get any relief.

This is my award

R. K. SARAN, Presiding Officer

नई दिल्ली, 11 मई, 2016

का. आ.971.—ओद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स ए.सी.सी. लिमिटेड और दूसरे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एवं श्रम न्यायालय-2, चंडीगढ़ पंचाट (संदर्भ संख्या 10/2014) को प्रकाशित करती है जो केन्द्रीय सरकार को 10/05/2016 को प्राप्त हुआ था।

[सं. एल-29011/01/2014-आई. आर. (एम)]

नवीन कपूर, अवर सचिव

New Delhi, the 11th May, 2016

S.O.971— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 10/2014) of the Central Government Industrial Tribunal/Labour Court-2, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. ACC Ltd. and other and their workman, which was received by the Central Government on 10/05/2016.

[No. L-29011/01/2014-IR(M)]
NAVEEN KAPOOR, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

Present : Sri Kewal Krishan, Presiding Officer

Case No.10/2014

Registered on 18.06.2014

ACC Gagal Cement Karamchari Sangh, Barmana, District Bilaspur, HP through its President.

Applicant

Versus

1. Managing Director, ACC Limited, Registered Office, Cement House 121, Maharishi Karve Road, Mumbai.
2. Plant Director, Associated Cement Company Ltd. Gaggal Cement Works, PO Barmana, Bilaspur, District Bilaspur. HP.

Respondents

APPEARANCES

For the workman

- Sh. Chain Singh for the Union

For the Management

- Sh. Liberhan, Adv.

AWARD

Passed on:-28.01.2016

Vide Order No.L-29011/01/2014-IR(M), dated 20.05.2014 the Central Government in exercise of the powers conferred by Clause (d) of sub-Section (1) and sub-Section 2(A) of Section 10 of Industrial Disputes Act, 1947 (in short Act) has referred the following industrial dispute for adjudication to this Tribunal.

“Whether the demands raised by President, ACC Gagal Karamchari Sangh demanding the termination of Memorandum of Settlement dated 8.6.2011 and referring the matter to the Cement Wage Board Award for better wage structure for the workers, working in ACC Ltd. Gagal Cement Works, Barmana is just, valid and legal. If not, to what other benefits to the workers entitled for and what directions are necessary in the matter.”

In response to the notice, the workman submitted statement of claim, pleading that its legitimate demands are denied by the management and claimed:-

- (i) Duration of the Wage Board must be of three years;
- (ii) Revision of the pay scales under the Wage Board shall be done after every three years;
- (iii) Daily paid system be abolished and be substituted by Pay Board;

- (iv) There must not be any difference in the salaries of the managerial staff and employees of the Wage Board;
- (v) Annual increment be determined on appropriate lines;
- (vi) Dearness allowance be brought under public enterprises;
- (vii) Increase in the House rent, washing allowance etc. be correspondingly made;
- (viii) Medical reimbursement be made on the basis of medical bills;
- (ix) Number of casual leave be increased from 7 to 15 days;
- (x) Paid leave be also increased from 15 to 30 days per annum;
- (xi) Production be calculated on the basis of clinker production and not on the basis of dispatch of the cement;
- (xii) Provisions of Steel Wage Board be applied.
- (xiii) Medical leave be also increased to 30 days.
- (xiv) Special gratuity be restored and gratuity of 30 days be given;
- (xv) Workmen working on higher platforms be granted special height allowance; &
- (xvi) Dust and sound allowance be provided.

Increase in salaries is also claimed.

The management filed written statement, pleading the demands now raised, are beyond the scope of demand notice and further pleaded that a settlement has been entered into on 8.6.2011, between the parties and the Union is not entitled to raise the demands and claim more salary.

On 19.1.2016, Chain Singh appeared and submitted that now he is the President of the Union on whose behalf the case was filed. He has further made a statement for not pressing the reference and claiming no relief in the present reference. He has also moved an application to this effect.

Since the Union did not press the reference and did not claim any relief and therefore, the present reference is decided against the Union and it is not entitled to any relief and the reference is accordingly answered.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 11 मई, 2016

का. आ. 972. —ौद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स दालमा एनजी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद पंचाट (संदर्भ संख्या 83/2010) को प्रकाशित करती है जो केन्द्रीय सरकार को 10/05/2016 को प्राप्त हुआ था।

[सं. एल—30012 / 36 / 2009—आई. आर. (एम)]
नवीन कपूर, अवर सचिव

New Delhi, the 11th May, 2016

S.O.972.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 83/2010) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Dalma Energy and their workman, which was received by the Central Government on 10/05/2016.

[No. L-30012/36/2009-IR(M)]
NAVEEN KAPOOR, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD**

Present....

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT cum Labour Court,
Ahmedabad,
Dated 26th April, 2016

Reference: (CGITA) No- 83/2010

The General Manager,
M/s. Dalma Energy LLC,
Project Office, 303-305,
“Rubellite Hub”, 32, Ajit Nagar,
BPC Road, Nr. Urmicrossing,
Akotga, Baroda(Gujarat).

... First Party

v/s

Shri K.C. PratapSimhan,
Kundu House,
Puranathukara, Trichur,
Kerala – 680551.

...Second Party

For the First Party	: Shri Yogen Pandya
For the Second Party	: None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30012/36/2009-IR(M) dated 18.03.2010 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEME

“Whether the action of the management of M/s. Dalma Energy, LLC, Vadodara through the Area Manager – India Operation in terminating the services of Shri K.C. PratapSimhan with immediate effect vide letter dated 07.03.2008 is legal, proper and just? To what relief the workman concerned is entitled?”

1. The reference dates back to 18.03.2010. Both the parties were served. But second party did not prefer to submit statement of claim. Second party has also been absent since the service made on him. Thus it appears that second party was not willing to prosecute the case.
2. Thus the reference is dismissed in default of the second party.

P.K. CHATURVEDI, Presiding Officer

नई दिल्ली, 11 मई, 2016

का.आ. 973.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स ओ. एन. जी. सी. लिमिटेड और दूसरों के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद पंचाट (संदर्भ संख्या 15/2011) को प्रकाशित करती है जो केन्द्रीय सरकार को 10/05/2016 को प्राप्त हुआ था।

[सं. एल-30011 / 33 / 2010-आई आर (एम)]
नवीन कपूर, अवर सचिव

New Delhi, the 11th May, 2016

S.O. 973.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 15/2011) of the Central Government Industrial Tribunal/Labour

Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. ONGC Ltd. and others and their workman, which was received by the Central Government on 10/05/2016.

[No. L-30011/33/2010-IR(M)]
NAVEEN KAPOOR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present....

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT cum Labour Court,
Ahmedabad,
Dated 21st April, 2016

Reference: (CGITA) No-15/2011

1. The Executive Director,
ONCG Ltd.,
Mehsana Asset,
Palavasana, Mehsana (Gujarat)
2. M/s. New Industrial Security Services,
First Floor, 103,113, Omkar Chambers,
Opposite Railway Station,
Surat (Gujarat) – 395003
3. Chansma Taluka Sarvodaya Majdoor Sahakari Mandali,
Urmi Shopping Center, New B.K. Cinema,
S.T. Workshop Road,
Mehsana (Gujarat)
4. The Director,
M/s. Industrial Security Services,
1st Floor, Upal Tower, Opposite Umiya Dham,
Vaishali Cinema,
Surat (Gujarat) - 395006
5. The M/s. Trig guard Force Ltd.,
23-24, Devi Co-op. Housing society,
Opp. Indian Oil Nagar, Near Bus Stand,
Andhari(W), Mumbai.First Parties

Vs.

The Secretary,
ONGC Employees Union,
8, Samarpan shopping complex,
Highway Raod, Mehsana,
Mehsana (Gujarat) – 384002.Second Party

For the First Party	: Shri K.V. Gadhia
For the Second Party	: None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30011/33/2010-IR(M) dated 08.03.2011 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad(Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the demand of the Secretary, ONGC Labour Union, Mehsana for regularization of Shri Gopal Krishna AmratlalNayak by the management of ONGC, Ltd., Mehsana is justified and legal? To what relief the workmen concerned is entitled to?”

1. The reference dates back to 08.03.2011. All the concerned parties particularly The Secretary, ONGC Employees Union, Mehsana, M/s Trig Guard Forces Limited & The Executive Director, ONGC Ltd., Mehsana were served through registered post.
2. However the second party did not prefer to submit the statement of claim despite the fact that ONGC, Ltd., Mehsana, filed the vakalatnama Exhibit -3 of his advocate K.V. Gadlia Associates. It is also noteworthy that the employee Gopal Krishna AmratlalNayak also not appeared to proceed with his case. Thus it appear that the second party is not willing in the prosecution of the reference.
3. Thus the reference is dismissed in default of the second party the Secretary, ONGC Employees Union.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 11 मई, 2016

का. आ. 974.—ओद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स ओ. एन. जी. सी. लिमिटेड और दूसरों के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद पंचाट (संदर्भ संख्या 74/2011) को प्रकाशित करती है जो केन्द्रीय सरकार को 10/05/2016 को प्राप्त हुआ था।

[सं. एल-30011/3/2009-आई. आर. (एम)]
नवीन कपूर, अवर सचिव

New Delhi, the 11th May, 2016

S.O.974.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 74/2011) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. ONGC Ltd. and others and their workman, which was received by the Central Government on 10/05/2016.

[No. L-30011/3/2009-IR(M)]
NAVEEN KAPOOR, Under Secy.

**ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD**

Present....

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT cum Labour Court,
Ahmedabad,
Dated 21st April, 2016

Reference: (CGITA) No-74/2011

1. The Executive Director,
ONGC Ltd., Ahmedabad Asset,
AvaniBhawan, Chandkheda,
Ahmedabad.
2. The Chief Manager (Security),
ONGC Ltd.,
AvaniBhawan,
Chandkheda,
Ahmedabad.
3. The Organizing Secretary,
Bhartiya Mazdoor Sangh,
28-B, Narayan Park,
Behind Chandkheda Railway Station,
Sabarmati,
Ahmedabad.First Party

And

Their Workman,
 The President,
 Ahmedabad Jilla Asangathit Mazdoor Sangh (BMS),
 JP Chowk, Khanpur,
 Ahmedabad.

...Second Party

For the First Party	: Shri K. V. Gadhia
For the Second Party	: None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30011/3/2009-IR(M) dated 28.09.2011 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad(Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the demand of Bhartiya Mazdoor Sangh through Ahmedabad JillaAsangathit Mazdoor Sangh Ahmedabad for regularization of 95 contractual security guard employed through M/s Trig Guard Force Ltd. By the management of ONGC Ltd., Ahmedabad is legal and justified? If so what relief the workers involved in this dispute are entitled to and what direction are necessary in the matter?”

1. The reference dates back to 28.09.2011. The first party ONGC, Ahmedabad filed the vakalatnama Exhibit – 5 of his advocate Shri K.V. Gadhia but the second party Petroleum Mazdoor Sangh despite service did not submit the statement of claim.
2. The second party Bhartiya Mazdoor Sangh was severed on 05.03.2012 with registered post and the envelope was received by Shri R. S. Sisodia. But Mr. Sisodia did not appear to file the statement of claim.
3. Later on 08.10.2015, second party Petroleum Mazdoor Sangh moved three applications Exhibit 11, 14 and 17 annexed with the details of names of the workmen for withdrawing their case. The learned counsel for the first party, Shri M.K. Patel expressed no objection against the aforesaid applications and agreed to grant permission of the withdrawal of the case by the aforesaid workmen detailed in the Annexures with the application Ext. 11, 14 and 17 by Tribunal. These applications were allowed.
4. Since 08.10.2015, second party has neither responded on the subsequent dates on 04.12.2015 and 18.03.2016 nor has second party filed the statement of claim.
5. Thus it appears that second party has no intent in the prosecution of the reference as most of the workmen have withdrawn with the reference.
6. Thus reference is dismissed in default of the second party representing the remaining workmen.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 11 मई, 2016

का.आ. 975.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ओ.एन.जी.सी. लिमिटेड और दूसरे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 33/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10.05.2016 को प्राप्त हुआ था।

[सं. एल-30012/30/2010-आईआर (एम)]

नवीन कपूर, अवर सचिव

New Delhi, the 11th May, 2016

S.O. 975.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 33/2012) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. ONGC Ltd. and other and their workman, which was received by the Central Government on 10/05/2016.

[No. L-30012/30/2010-IR(M)]
 NAVNEEN KAPOOR, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD**

Present....

Pramod Kumar Chaturvedi
 Presiding Officer, CGIT cum labour Court,
 Ahmedabad,
 Dated 1st April, 2016

Reference: (CGITA) No-33/2012

- 1. The Asset Manager,
 ONGC Ltd.,
 Ankleshwar Asset,
 Ankleshwar (Gujarat)
- 2. The Proprietor,
 M/s. Nirmal construction,
 N 17, Vaishali Society,
 Ankleshwar (Gujarat) ... First Party

Vs.

Shri BechharbhaiChhaganbhai Patel,
 Nava Tari,
 School Mohalla, Tal - Ankleshwar,
 Dist- Bharuch(Gujarat) ... Second Party

For the First Party : Shri K.V. Gadhia, Advocate
 For the Second Party : -----

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L – 30012/30/2010 – IR(M) dated 16.01.2012 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEME

“ Whether the action of the Management of M/s Nirmal Construction Co., Ankleshwar, Contractor of ONGC Ltd, Ankleshwar in terminating the services of Shri BecharbhaiChhaganbhai Patel w.e.f. 30/08/2007 is legal, just and proper ? To what relief the concerned workman is entitled? ”

- 2. This Reference dates back to 16.01.2012. Parties to the dispute where issued the Hearing Notice and same were served to the respective parties. As per the Hearing Notice date for filling Statement of Claim was 11.05.2012. The appropriate Government has also directed the Second Party has to raise the dispute and to file the Statement of Claim with relevant Documents, list of reliance and witness in the Tribunal within 15 days of the receipt of the order of the Reference.
- 3. However, the ample opportunity were given by this Tribunal to file a statement of Claim to the Second Party. The second party failed to submit the Statement of Claim after about 3 years and 3 month from the date of reference. Thus, this Tribunal has reasons to believe that the Second Party is not interested in the Case.
- 4. On behalf of First Party, ONGC, Mr. K.V. Gadhia submitted his Vakilpatra on 23.08.2012. Since 16.01.2012 numbers of opportunity were given to the second party but the second party fails to avail that opportunity. The second party has not filed Statement of Claim till date therefore this Tribunal has no other alternative but to dismiss the reference for want of prosecution.

The reference is dismissed in default of the Second Party.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 11 मई, 2016

का.आ. 976.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स संघीय इंडस्ट्रीज लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 166/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10.05.2016 को प्राप्त हुआ था।

[सं. एल-29011/26/2012-आईआर (एम)]

नवीन कपूर, अवर सचिव

New Delhi, the 11th May, 2016

S.O. 976.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 166/2012) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Sanghi Industries Ltd. and their workman, which was received by the Central Government on 10/05/2016.

[No. L-29011/26/2012-IR(M)]

NAVEEN KAPOOR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present....

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 28th April, 2016

Reference: (CGITA) No. 166/2012

The Sr. President (Operation),
M/s. Sanghi Industries Ltd.,
President House, Ambawadi Circle,
Ahmedabad(Gujarat) – 380006.

...First Party

v/s

The President,
Kutch Jilla General Kamdar Sangh,
Regd. Off: TCX – South 94,
Gandhidham (Kutch) – 370201.

...Second Party

For the First Party : None
For the Second Party : None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-29011/26/2012-IR(M) dated 10.12.2012 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad(Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the demand of the Union for regularization of contract workers working in M/s. Sanghi Cement Industries, Sanghipuram, Kutch is legal and justified? What relief the workmen are entitled to?”

1. The reference dates back to 10.12.2012. Both the parties were served to registered post on 20.05.2013 but neither of the parties put in their appearance. The conduct of the second party indicates that he has no willingness to prosecute the reference. Thus, the tribunal has no option but to dismiss the case in default of the second party.
2. Thus, the case is dismissed in default of the second party.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 11 मई, 2016

का.आ. 977.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ओ.एन.जी.सी.लिमिटेड और दूसरों के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 367/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10.05.2016 को प्राप्त हुआ था।

[सं. एल-30011/6/2001-आईआर (एम)]

नवीन कपूर, अवर सचिव

New Delhi, the 11th May, 2016

S.O. 977.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 367/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s ONGC Ltd. and others and their workman, which was received by the Central Government on 10/05/2016.

[No. L-30011/6/2001-IR(M)]
NAVEEN KAPOOR, Under Secy.

**ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD**

Present....

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 28th April, 2016

Reference: (CGITA) No-367/2004

1. The Group General Manager(P),
ONGC Ltd., Ahmedabad Project, Chandkheda,
Ahmedabad(Gujarat) – 380001
2. The Group General Manager(Projects),
O.N.G.C. Ltd.,
Ankleshwar Project, Ankleshwar (Gujarat),
Ankleshwar – 393010
3. M/s. Industrial Security Services,
Parichay Shopping Centre,
Near ‘D’ Cabin,
IOC Rd., Post New Rly. Colony,
Ahmedabad (Gujarat) – 380001
4. M/s. Industrial Security Services,
Opp. Jagdamba Mills, A.K. Road, Surat
Gujarat
5. M/s. New Industrial Security Services,
103, 113, Omkar Chambers, 1st Floor,
Opp. Rly. Station,
Surat (Gujarat) ...First Party

v/s

The Workmen through
Gujarat Petroleum Employees Union,
434/46, Gandhi Vas Naka, Gujarat Stadium Road,
Sabarmati, Ahmedabad. ...Second Party

For the First Party : Shri C.S. Naidu
For the Second Party : None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30011/6/2001-IR(M) dated 16.01.2001 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad(Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of ONGC Ltd., in not considering demand of 90 workmen as per list for absorption and regularisation is justified? If not, to what relief the concerned workman is entitled to?”

1. The reference dates back to 16.01.2001. Some of the workmen Parmar Pratapbhai Sankarhai and Parmar Manubhai Fulabhai withdrew themselves from the reference on 27.04.2010. On 11.02.2013, 5 workmen out of 90 workmen withdrew themselves from the reference. Now, rest of the workmen express unwillingness to prosecute the reference. Therefore, the reference is dismissed as not pressed as regards rest of the workmen.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 11 मई, 2016

का.आ. 978.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स एल एण्ड टी, जेटीआई, ऑयल प्रोजेक्ट लिमिटेड और दूसरे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 489/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10.05.2016 को प्राप्त हुआ था।

[सं. एल-30011/117/2001-आईआर (एम)]

नवीन कपूर, अवर सचिव

New Delhi, the 11th May, 2016

S.O. 978.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 489/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. L & T, JTI, Oil Project Ltd. and other and their workman, which was received by the Central Government on 10/05/2016.

[No. L-30011/117/2001-IR(M)]
NAVEEN KAPOOR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,

AHMEDABAD

Present....

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT cum Labour Court,
Ahmedabad,
Dated 5th April, 2016

Reference: (CGITA) No-489/2004
Reference (ITC) No-39/2002

1. The Dy. General Manager,
L & T., JTI, Oil Field,
Project Ltd., Karaka Building No.2, Ground Floor,
Ashram Road, Ahmedabad
 2. M/s. M.D Engineering Services, 20, Somvila Bungalow,
OppAsopala Bungalow, Nr. Radhey Party Plot,
Ahmedabad 380059
Vs.
Their Workman,
Shri Ajay Kumar Shethi,
C/o. Sardar Labour Sangh,
6/910, Bhala Pole, Dholka, Ahmedabad
- ...First Party
- ...Second Party

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30011/117/2001-IR(M) dated 02.05.2002 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad(Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of M/s. M.D. Engineering Services, Contractor of M/s. L & T JTI Oil Project Ltd., in terminating the services of Shri Ajay Kumar Shethi is legal, proper and justified? If not, to what relief the concerned workman is entitled?”

3. This reference dates back to 02.05.2002. Second party submitted statement of claim (Ext.7) on 10.12.2003. First party submitted written statement (Ext.8) on 17.01.2005 since then second party has not been responding and has also not led his evidence. Thus, it appears that second party is not willing to proceed with the reference as they have been absent since last several dates. Thus Tribunal has no option but to dismiss the reference in default of the second party.

This reference is dismissed in default of the second party.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 11 मई, 2016

का.आ. 979.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ओ.एन. जी.सी. लिमिटेड और दूसरों के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 735/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10.05.2016 को प्राप्त हुआ था।

[सं. एल-30011/63/2001-आईआर (एम)]

नवीन कपूर, अवर सचिव

New Delhi, the 11th May, 2016

S.O. 979.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 735/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. ONGC Ltd. and other and their workman, which was received by the Central Government on 10/05/2016.

[No. L-30011/63/2001-IR(M)]
NAVEEN KAPOOR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present....

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 22nd April, 2016

Reference: (CGITA) No. 735/2004

1. The Group General Manager (Projects),
O.N.G.C. Ltd.,
Ankleshwar Project,
Ankleshwar (Gujarat) – 393010.
2. M/s. Central Industrial Security Services,
Near Hawa Mahal,
Opp. GIDC ST Depot,
Ankleshwar (Gujarat) – 393010.First Party

v/s

ONGC Mazdoor Sangh,
c/o Bhartiya Mazdoor Sangh,
The General Secretary, Nr. Asian Paint Chokdi,
GIDC, Ankleshwar (Gujarat)

...Second Party

For the First Party : None
For the Second Party : None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30011/63/2001-IR(M) dated 04.07.2001 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad(Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the demand of the Union to absorb/regularise the services of Shri Barad Rajendra C & 42 others (as per list enclosed) as permanent and direct employee of ONGC Ltd. Ankleshwar from the date of their entry in the service as contractual workman and all other benefits as enjoyed as the regular employees of ONGC Ltd. is legal proper and justified? If so, to what relief the concerned workmen are entitled to and from which date and what other directions are necessary in the matter?”

1. The Reference dates back to 04.07.2001. Second party filed the statement of claim (Ext. -8) on 15.02.2002 and first party submitted the written statement (Ext. -14) on 28.06.2002.
2. 27 workmen involved in the reference detailed in the application Ext. -51 & 52 moved the aforesaid application for withdrawal of their names in the said reference. Same was allowed vide order dated 05.11.2015.
3. The case is old one. Both the parties appears on every dates through their representatives but second party avoids to lead evidence. Thus the tribunal has no option but to close the evidence of the second party and dismiss the reference in default of the second party.
4. Thus the reference is dismissed in default of leading evidence by the second party.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 11 मई, 2016

का.आ. 980.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स ड्रेजिंग कापोरेशन ऑफ इंडिया लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 954/2004) को प्रकाशित करती है जो केन्द्रीय सरकार को 10/05/2016 को प्राप्त हुआ था।

[सं.एल-37012/5/1992-आईआर(एम)]

नवीन कपूर, अवर सचिव

New Delhi, the 11th May, 2016

S.O. 980.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 954/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Dredging Corporation of India Ltd. and their workman, which was received by the Central Government on 10/05/2016.

[No. L-37012/5/1992-IR(M)]
NAVEEN KAPOOR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,

AHMEDABAD

Present....
Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 7th April, 2016

Reference: (CGITA) No. 954/2004

The Project Manager,
Dredging Corporation of India Ltd.,
Seva – Sadan II,
New Kandla (Kutch).

...First Party

Vs.

The President,
Kandla Port Karmachari Sangh,
T.C.X. – S – 94,
Gandhidham (Kutch).

...Second Party

For the First Party	: None
For the Second Party	: None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-37012/5/92 IR(Misc.) dated 20.12.1993 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad(Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of Dredging Corporation of India Ltd., Project Office, Kandla in terminating the services of Shri J. Nooka Rao, daily rated messenger, with effect from 19.09.1990 is justified? If not, what relief, the workman is entitled for?”

2. The case is very old one. Second Party files statement of claim (exhibit 4) on 24.01.1994 and First Party filed the Written Statement (exhibit 18) on 12.12.1997. Since then neither of the parties have been leading their evidence. They were also issued noticed to appear on 07.04.2016 but to no result.

Thus, it appears that both the parties are not willing to prosecute/proceed with the reference. Thus the reference is dismissed in default of the parties.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 11 मई, 2016

का.आ. 981.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स कांडला पोर्ट ट्रस्ट के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 1146/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10.05.2016 को प्राप्त हुआ था।

[सं. एल-37011/7/1998-आईआर (एम)]
नवीन कपूर, अवर सचिव

New Delhi, the 11th May, 2016

S.O. 981.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 1146/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Kandla Port Trust and their workman, which was received by the Central Government on 10.05.2016.

[No. L-37011/7/1998-IR(M)]
NAVEEN KAPOOR, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD**

Present....

Pramod Kumar Chaturvedi,
 Presiding Officer, CGIT cum Labour Court,
 Ahmedabad,
 Dated 1st April, 2016

Reference: (CGITA) No-1146/2004

1. Kandla Port Trust,
 Chairman, Administrative Office,
 P.B. No.50, Gandhidham (Kutch)
 Gandhidham-370201. First Party

Vs.
 Their Workmen,
 Through The President,
 Kandla Port Karmachari Sangh,
 T.C.X-S-94,
 Gandhidham-370201. Second Party

For the First Party : Shri K.V. Gadhia, Advocate
 For the Second Party : Shri S.N. Gandhi, Advocate

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L – 37011/7/98/IR(M) dated 11.12.1998 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“ Whether the action of the Chairman, Kandla Port Trust, Gandhidham in not implementing the award of Industrial Tribunal, Bombay regarding working hours of the Time Keeping Staff on par with those prescribed for Indoor Clerical Staff is just, valid and legal ? If not, to what benefits the Time Keeping Staff are entitled to and what directions are necessary in the matter? ”

2. This Reference dates back to 11.12.1998. Parties to the dispute where issued the Hearing Notice and same were served to the respective parties. In pursuance to the Notice both the parties were served and appeared through their respective Advocates. The Kandla Port Trust has filed its Vakilpatra of Mr. K.V. Gadhia vide Ext.9 and Second party has filed Vakilpatra of Shri S.N.Gandhi vide Ext.8 The Second Party filed Statement of Claim vide Ext. 2. The First Party filed its Written Statement vide Ext.5 on 09.04.2001.
3. Despite giving dozens of opportunities to the Second Party to lead evidence, no evidence was given by the Second Party.
4. This is an old reference and Second Party appears to have not been willing to lead evidence, therefore, the tribunal has no option but to dismiss the reference in default of the Second Party.

The reference is dismissed in default of the Second Party.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 11 मई, 2016

का.आ. 982.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ओ.एन. जी.सी. लिमिटेड और दूसरों के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 1410/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10.05.2016 को प्राप्त हुआ था।

[सं. एल-30011/29/2001-आईआर (एम)]

नवीन कपूर, अवर सचिव

New Delhi, the 11th May, 2016

S.O. 982.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 1410/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. ONGC Ltd. and their workman, which was received by the Central Government on 10/05/2016.

[No. L-30011.29.2001-IR(M)]
NAVEEN KAPOOR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present....

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT cum Labour Court,
Ahmedabad,
Dated 28th April, 2016

Reference: (CGITA) No-1410/2004

The Group General Manager(Projects),
O.N.G.C. Ltd.,
Ankleshwar Project, Ankleshwar (Gujarat),
Ankleshwar – 393010.

...First Party

v/s

The General Secretary,
Bhartiya Karmachari Sangh,
Shastri Pole,
Kothi char rasta,
Baroda(Gujarat) – 390001.

...Second Party

For the First Party : Shri C.S. Naidu
For the Second Party : None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30011/29/2001-IR(M) dated 13.06.2001 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad(Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the Group General Manager(P), ONGC Ltd., Ankleshwar in imposing the punishment of stoppage of 2 increments on Shri B.B. Patel, Junior Technician (Production) justified? If not, to what relief the workman is entitled?”

1. The reference dates back to 13.06.2001. First party submitted the vakalatpatra of his advocate Ext. 4 on 23.10.2001. Second party submitted the statement of claim Ext. 5 sometimes in 2001 and first party filed the written statement Ext. 8 on 07.10.2003. Since then second party has been absent and also has not lead evidence. The conduct of the second party indicates that he has no willingness to prosecute the reference. Thus, the tribunal has no option but to dismiss the case in default of the second party.
2. Thus, the case is dismissed in default of the second party.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 11 मई, 2016

का.आ. 983.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 159/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11.05.2016 को प्राप्त हुआ था।

[सं. एल-41011/4/2006-आईआर (बी-1)]

रणबीर सिंह, अनुभाग अधिकारी

New Delhi, the 11th May, 2016

S.O. 983.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 159/2006) of the Cent. Govt. Indus.Tribunal-cum-Labour Court Ahmedabad as shown in the Annexure, in the industrial dispute between the management of Western Railway and their workmen, received by the Central Government on 11.05.2016.

[No. L-41011/4/2006-IR(B-I)]
RANBIR SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present....

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT cum Labour Court,
Ahmedabad,
Dated 22nd January , 2016

Reference: (CGITA) No-159/2006

1. The General Manager,
Western Railway, Churchgate,
Mumbai,
Mumbai.
2. The Divisional Railway Manager,
Western Railway,
DRM office,
Kothi Compound,
Rajkot,
Gujarat
3. The Divisional Manger,
Western Railway,
Kalupur,
Ahmedabad
Ahmedabad(Gujarat). ...First Party

Vs.

Their Workman,
Sh. Shankar M.

Through the general secretary,
Paschim Railway Karmachari Parishad,
Western Railway,
Ahmedabad
Ahmedabad(Gujarat).

...Second Party

For the First Party : Sh. N.J. Acharya, Advocate
For the Second Party :

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-41011/4/2006-IR(B-I) dated 03.08.2006 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDEULE

“Whether the action of the management of western Railway, Rajkot by imposing of terminating the services of Shri Shankar M., Senior Khalasi from the establishment of C.W.S. , Sabarmati, Ahmedabad for taking medical treatment from a private Doctor other than Railway Doctor and without extending fair opportunity for his explanation is legal and justified? If not, what relief the workman is entitled to and to what extent?”

2. This reference dates back to 03.08.2006. Both the parties were served. Acknowledgment of the notice sent by the registered post are received. First party filed the Vakalatnama Ext.6 & 8. Second party also represented to its General Secretary, Sh. R.S Sisodia but even after lapse of a long period second party has not filed the statement of claim. Thus it appears that both the parties have no inclination or willingness to proceed with the reference. Thus, the Tribunal has no option but to dismiss the reference in default of the second party.

The reference is dismissed in default of the second party.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 11, मई, 2016

का.आ. 984.—औद्योगिक विवाद अधिनियम, 1947 1947 का 14 की धारा 17 के अनुसरण में केन्द्रीय सरकार परिचय रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 25/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11.05.2016 को प्राप्त हुआ था।

[सं. एल-41012/116/2005-आईआर (बी-1)]

रणबीर सिंह, अनुभाग अधिकारी

New Delhi, the 11th May, 2016

S.O. 984.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 25/2006) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Ahmedabad* as shown in the Annexure, in the industrial dispute between the management of Western Railway and their workmen, received by the Central Government on 11.05.2016.

[No. L-41012/116/2005-IR(B-I)]
RANBIR SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,

AHMEDABAD

Present....

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT cum Labour Court,
Ahmedabad,
Dated 21st January, 2016

Reference: (CGITA) No-25/2006

1. The General Manager,
Western Railway,
Churchgate, Mumbai,
Mumbai
2. The workshop Manager,
Western Railway, workshop,
Pratapnagar, Baroda,
Vadodara (Gujarat).

...First Party

Vs.

Their Workman
Sh. Gangasingh M. Thakur,
Through the Divisional Secretary,
Paschim Railway Karmachari Parishad,
Shashri Pole, Kothi, Vadodara,-390001
Vadodara(Gujarat).

...Second Party

For the First Party : Sh. H.B. Shah, Advocate
For the Second Party :

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L- 41012/116/2005-IR(B-I) dated 17.02.2006 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the demand of the Paschim Railway Karmachari Parishad, Vadodara for enhancement of pension in the pay scale of ‘Chargeman’ i.e. Rs. 5000-8000 to Shri Gangasinh M. Thakur, who was retired from Railway service on 31.03. 1994 is legal, proper and just? If so, to what relief the concerned workman is entitled?”

2. This reference dates back to 17.02.2006. Both the parties have been served. Second party has been served to Divisional Secretary, Paschim Railway Karmachari Parishad, Vadodara. First party filed his Vakalatnama (Ext.7). Second party did not prefer to submit a statement of claim and has also been absent since dozen of dates. Thus, it appears that second party is not interested in the proceedings of the reference. Therefore, Tribunal has no option but to dismiss the reference in default of the second party.

The reference is dismissed in default of the second party.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 11 मई, 2016

का.आ. 985.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 442/2004) (आई टी सी सं. 27/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11/05/2016 को प्राप्त हुआ था।

[सं. एल-41011/30/2000-आईआर (बी-1)]

रणबीर सिंह, अनुभाग अधिकारी

New Delhi, the 11th May, 2016

S.O. 985.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 442/2004) (ITC No. 27/2001) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Ahmedabad as shown in the Annexure, in the industrial dispute between the management of Western Railway and their workmen, received by the Central Government on 11/05/2016.

[No. L-41011/30/2000-IR(B-I)]

RANBIR SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,

AHMEDABAD

Present....

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT cum Labour Court,
Ahmedabad,
Dated 22nd January , 2015

Reference: (CGITA) No-442/2004

Reference: (ITC) No.- 27/2001

4. The Chief workshop Manager,
Western Railway, Engg. workshop,
Sabarmati,
Ahmedabad-380001.First Party

Vs.

Their Workmen,
Through the General Secretary,
Paschim Railway Karmachari Parishad,
E/209, Sarvottam Nagar,
Nr. New Railway Colony, Sabarmati,
Ahmedabad (Gujarat)-380018.

...Second Party

For the First Party : Sh. H.B. Shah, Advocate
For the Second Party : C/o. P.R.K.P.

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-41011/30/2000-IR(B-I) dated 22.02.2001 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the Chief Workshop Manager, Western Railway, Sabarmati, Ahmedabad in discontinuing the procedure of mutual exchange of the quarter in denying promotion to Shri Raj Kishore R. as Khalasi with all benefits w.e.f. 4-3-92 in denying promotion of Grinder Gr. II to Shri Mafatlal V. w.e.f. 18-8-98 in denying promotion of Crane Driver Gr.I to Ramesh Mansingh from April, 1997 in denying annual increment to Shri Mehandra Kumar Verma w.e.f. 1-5-1999 are justified? If not, then what relief the employees are entitled?”

3. This reference dates back to 22.02.2001. Both the parties are served. Second party filed statement of claim (Ext.5) on 28.08.2001. First party also filed written statement (Ext.7) on 05.03.2003 since then second party has not been leading evidence and second party has been absent since 25.07.2012. Thus it appears that both the parties have no inclination or willingness to proceed with the reference. Thus, the Tribunal has no option but to dismiss the reference in default of the second party.

The reference is dismissed in default of the second party.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 11 मई, 2016

का.आ. 986.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 55/2004) (आई टी सी सं. 24/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11/05/2016 प्राप्त हुआ था।

[सं. एल-41012/36/97-आईआर (बी.आर.)]
रणबीर सिंह, अनुभाग अधिकारी

New Delhi, the 11th May, 2016

S.O. 986.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 55/2004) (ITC No. 24/1997) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Ahmedabad as shown in the Annexure, in the industrial dispute between the management of Western Railway and their workmen, received by the Central Government on 11/05/2016.

[No. L-41012/36/97-IR(B-I)]

RANBIR SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,****AHMEDABAD**

Present....

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT cum Labour Court,
Ahmedabad,
Dated 22nd January , 2015

Reference: (CGITA) No-55/2004
Reference: (ITC) No.- 24/1997

5. The Divisional Railway Manager,
Western Railway,
Near Railway Station,
Ratlam (MP)First Party
Vs.

Sh. Amarsingh Narsingh,
C/o. J.K. Ved,
Railway Quarter No. 328/A, Godhara,
Dist. Panchmahal (Guj)Second Party

For the First Party : Sh. H.B. Shah, Advocate
For the Second Party : Sh. J.K. Ved, Advocate

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-41012/36/97-IR(B-I) dated 09.10.1997 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of western Railway Ratlam Division in terminating re service of Shri Amar Singh Narsingh, Gangman under PWI, Dahod by way of removal from service with effect from 10.09.1991 is legal and justified? If not, to what relief the concerned workman is entitled?”

4. This reference dates back to 09.10.1997. Second party filed the statement of claim on 13.11.1997 (Ext. 4) first party also filed the written statement (Ext. 5) on 02.12.1997 since then second party has not been leading evidence he also been absent since 22.02.2012. Thus it appears that both the parties have no inclination or willingness to proceed with the reference. Thus, the Tribunal has no option but to dismiss the reference in default of the second party.

The reference is dismissed in default of the second party.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 11 मई, 2016

का.आ. 987.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 164 / 2004) (आई टी सी सं. 60 / 1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11 / 05 / 2016 प्राप्त हुआ था।

[सं. एल-41012 / 155 / 98-आईआर (बी-1)]
रणबीर सिंह, अनुभाग अधिकारी

New Delhi, the 11th May, 2016

S.O. 987.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 164/2004) (ITC No. 60/1999) of the Centrally Govt. Indus. Tribunal-cum-Labour Court Ahmedabad as shown in the Annexure, in the industrial dispute between the management of Western Railway and their workmen, received by the Central Government on 11/05/2016.

[No. L-41012/155/98-IR(B-I)]
RANBIR SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD**

Present....

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT cum Labour Court,
Ahmedabad,
Dated 22nd January, 2015

Reference: (CGITA) No-164/2004
Reference: (ITC) No- 60/1999

6. The Divisional Railway Manager,
Western Railway,
Ratlam Divisoin,
Ratlam (MP)

... First Party

Vs.

Their workman
Through the President,
E/209, Sarvottam Nagarm
Near Railway Colony,
Sabarmati,
Ahmedabad(Gujarat) -380005.

... Second Party

For the First Party : Sh. N.S. Shevade, Advocate
For the Second Party :

AWARD

The Government of India/Ministry of Labour ,New Delhi by reference adjudication Order No. L-41012/155/98-IR(B-I) dated 15.02.1999 referred the dispute for adjudication to the Industrial Tribunal, Baroda (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the Railway Administration of Ratlam Division, W. Railwy, in imposing the punishment of removal from service on Shri Vashiya Karsan, D.C. Gangman under AEN Meghanagar w.e.f. 17.07.1993 on the alleged charges of misconduct vide charge sheet No. E/308/1 dated 26.04.1993 is legal and justified? If not, to what the concerned workman is entitled to and from which date?”

5. This reference dates back to 15.02.1999. Both the parties were served. Second party filed the statement of claim (Ext.5) on 28.06.1999 and first party filed the written statement (Ext.15) on 20.04.2001 but despite giving sufficient opportunity to the second party for leading evidence, he did not prefer to lead evidence. He also has been absent since 14.10.2011. Thus it appears that both the parties have no inclination or willingness to proceed with the reference. Thus, the Tribunal has no option but to dismiss the reference in default of the second party.

The reference is dismissed in default of the second party.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 11 मई, 2016

का.आ. 988.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार और एन जी सी लिं के प्रबंधतांत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिश्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 141/2004) (आई टी सी सं. 14/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11/05/2016 प्राप्त हुआ था।

[सं. एल-30012/8/98-आईआर (बी-1)]
रणबीर सिंह, अनुभाग अधिकारी

New Delhi, the 11th May, 2016

S.O. 988.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 141/2004) (ITC No.14/1999)of the Cent.Govt.Indus.Tribunal-cum-Labour Court Ahmedabad as shown in the Annexure, in the industrial dispute between the management of ONGC Ltd and their workmen, received by the Central Government on 11/05/2016.

[No. L-30012/8/98-IR(B-I)]
RANBIR SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNA-CUM-LABOUR COURT,****AHMEDABAD**

Present....

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT cum Labour Court,
Ahmedabad, Dated 3rd February, 2016

Reference: (CGITA) No. 141/2004

Reference : (ITC) No. 14/1999

1. The Group General Manager (P),
ONGC Ltd.,
AvaniBhavan, Koba Road,
Ahmedabad-380001

...First Party

Vs.

Their Workman
Sh. Rameshbhai Motibhai Vaghela
Through the secretary,
Gujarat Petroleum Employees Union,
434/46. Gandhi vas, Koba road, Sabarmati,
Ahmedabad-380001

...Second Party

For the First Party : Sh. K.V. Gadhia, Advocate-
For the Second Party : Kum Santoshben, Advocate

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30012/8/98-IR(B-I) dated 18.12.1998 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the demand of Gujarat Petroleum Employees Union regarding treating contract worker Rameshbhai Motibhai Vaghela as worker of ONGC since 20.09.83 is legal and justified? If yes, then whether his removal on 30.05.1993 was legal and justified? If not, to what relief is he entitled?”

3. This reference dates back to 18.12.1998. The second party filed the statement of claim (Ext.3) on 12.08.1999. First party filed the written statement (Ext.17) ON 03.01.2002. Learned Counsel for the first party has been present on each and every date but none has been responding on behalf of second party to adduce evidence since last dozens of dates. Thus, it appears that second party is not interested in the proceedings of the reference. Therefore, Tribunal has no option but to dismiss the reference in default of the second party.

The reference is dismissed in default of the second party.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 11 मई, 2016

का.आ. 989.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार और एन जी सी लिं के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 241/2004) (आई टी सी सं. 173/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11/05/2016 प्राप्त हुआ था।

[सं. एल-30012/86/98-आईआर (बी-1)]
रणबीर सिंह, अनुभाग अधिकारी

New Delhi, the 11th May, 2016

S.O. 989.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 241/2004) (ITC No. 173/1999) of the Cent. Govt. Indus. Tribunal-cum-Labour Court Ahmedabad as shown in the Annexure, in the industrial dispute between the management of ONGC Ltd and their workmen, received by the Central Government on 11/05/2016.

[No. L-30012/86/98-IR(B-I)]
RANBIR SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,

AHMEDABAD

Present....

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 3rd February, 2016

Reference: (CGITA) No. 241/2004
Reference : (ITC) No. 173/1999

1. The junior General Manager, (I.R.S.),
ONGC Ltd.,
Near ONGC colony gate,
Chankheda,
Dist: Gandhinagar
Ahmedabad
2. Shri Y.K. Patil,
Hotel Sugandh & Sweet Mart,
Ramnagar, Sabarmati ,
Ahmedabad-380001

3. M/s. Dilwara Singh,
Hotel Satlaj,
Near Bhagat Petrol Pump,
Naroda, Ahmedabad-380001

...First Party

Vs.

Their Workmen

Through the general secretary,
Gujarat Petroleum Employees Union,
434/46. Gandhi Vas, Koba Road, Sabarmati
Ahmedabad-380001

...Second Party

For the First Party : Sh. K.V. Gadhia, Advocate-
For the Second Party : Kum Santoshben, Advocate

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L- 30012/86/98-IR(B-I) dated 17.11.1999 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the demand of Gujarat Petroleum Employees Union, Ahmedabad regarding treating Shri A.R. Patil, and 11 other in direct employment of ONGC is just and legal? If yes, then termination of aforesaid persons by the management is proper and legal? If not, then to what relief the workman are entitled?”

2. This reference dates back to 17.11.1999. Both the parties were served and filed the vakalatnama of their advocate. Second party filed the statement of claim (Ext.4) and first party filed the written statement (Ext.6) Thereafter, first party got the written statement amended and filed the amended written statement (Ext.13) on 20.06.2006. Learned Counsel for the first party has been present on each and every date but none has been responding on behalf of second party to adduce evidence since last dozens of dates. Thus, it appears that second party is not interested in the proceedings of the reference. Therefore, Tribunal has no option but to dismiss the reference in default of the second party.

The reference is dismissed in default of the second party.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 11 मई, 2016

कांगड़ा. 990.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 687/2004) (आई टी सी सं. 28/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11/05/2016 को प्राप्त हुआ था।

[सं. एल-41012/138/99-आईआर (बी-1)]
रणबीर सिंह, अनुभाग अधिकारी

New Delhi, the 11th May, 2016

S.O. 990.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 687/2004) (ITC No. 28/1999) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the industrial dispute between the management of Western Railway and their workmen, received by the Central Government on 11/05/2016.

[No. L-41012/138/99-IR(B-I)]

RANBIR SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present....

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 3rd February, 2016

Reference: (CGITA) No-687/2004
Reference : (ITC) No- 28/1999

1. The General Manager ,
Western Railway,
Churchgate,
Mumbai-400001
 2. The Divisional Railway Manager,
Western Railway, Pratapnagar,
Baroda (Gujarat)-394220
 3. The Asst. Mechanical Engineer (III),
Western Railway, Diesel Loco Shed,
Vatva, Ahmedabad
Gujarat-380001
- ...First Party
- Vs.

Their Workman
Shri Nasir Khan,
C/o. J.K. Ved,
Sinduri Mata Devasthan,
S.T. Nagar Rd,
Godhra,
Dist. Panchmahal (Gujarat) -389001

...Second Party

For the First Party :
For the Second Party :

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L- 41012/138/99-IR(B-I) dated 31.08.1999 referred the dispute for adjudication to the Industrial Tribunal, Baroda (Gujarat) in respect of the matter specified in the Schedule:

SCHEME

“Whether the action of the management of western Railway through the General Manager Mumbai and other officers in terminating the services of Mr. Nasir Khan Y. by way of removal from the services with immediate effect is legal, proper and justified?

“Whether the penalty /punishment of ‘removal’ from service is proportionate to the gravity of offence? If not, to what relief the concerned workman Mr. Nasir Khan Y. is entitled to and what directions are necessary in the matter?”

2. This reference dates back to 31.08.1999. Both the parties were served. First party as well as second party submitted their written statement and statement of claim (Ext.13 & Ext. 4) respectively On 15.02.2003. Since then, neither of the parties have been responding nor coming forward to adduce evidence. Thus, it appears that both parties are not interested in the proceedings of the reference. Therefore, Tribunal has no option but to dismiss the reference in default of the both parties.

The reference is dismissed in default of the both parties.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 11 मई, 2016

का.आ. 991.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 1074/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11/05/2016 को प्राप्त हुआ था।

[सं. एल-41012 / 126 / 96-आईआर (बी-1)]
रणबीर सिंह, अनुभाग अधिकारी

New Delhi, the 11th May, 2016

S.O. 991—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1074/2004) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the industrial dispute between the management of Western Railway and their workmen, received by the Central Government on 11/05/2016.

[No. L-41012/126/96-IR(B-I)]

RANBIR SINGH, Section Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD**

Present....

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 29th March, 2016

Reference: (CGITA) No-1074/2004
Reference (ITC) No-3/1998

Vs.

Their Workman,
Through the general secretary,
Western Railway Kamdar Sangh,
TBZ-17, Gurunagar,
Gandhidham (Kutch)-370201

...Second Party

For the First Party : Shri R.K. Sharma, Advocate
For the Second Party : C/o. Western Railway Kamdar Sangh

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-41012/126/96-IR(B-I) dated 27.11.1996 referred the dispute for adjudication to the Industrial Tribunal, Rajkot(Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the demand of the western Railway Kamdar Sangh, Gandhidham that Shri B.O. Vashishtha, Khalasi under SS/GIM should have been promoted w.e.f. 1.3.93 on restructuring and upgradation of posts, as his juniors have been proted, just, valid and legal? If so, to what benefits the workman is entitled for and what directions are necessary in the matter?”

2. This reference dates back to 27.11.1998. Second party submitted statement of claim (Ext.2) ON 18.03.1998 and first party submitted written statement (Ext.7) on 02.05.2001. Thereafter, second party moved an application (Ext.16) on 20.05.2010 for production of documents. On 20.01.2012 the then Presiding Officer CGIT-cum-Labour Court emphasised second party to lead evidence but second party since then has failed to lead evidence. On 05.01.2016 second party was given last opportunity to lead evidence but to no result. Thus, it appears that second party is not willing to proceed with the reference as they have been absent since last several dates. Thus, Tribunal has no option but to dismiss the reference in default of the second party.

This reference is dismissed in default of the second party.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 11 मई, 2016

का.आ. 992.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 181/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11/05/2016 को प्राप्त हुआ था।

[सं. एल—12012/39/2006—आईआर (बी-1)]
रणबीर सिंह, अनुभाग अधिकारी

New Delhi, the 11th May, 2016

S.O. 992.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 181/2006) of the Cent. Govt. Indus.Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 11/05/2016.

[No. L-12012/39/2006-IR(B-I)]
RANBIR SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present....

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 1st February, 2016

Reference: (CGITA) No. 181/2006

1. The Asst. General Manager,
State Bank of India,
Region-I, Zonal Office,
C.N. Vidhyalaya Campus, Ambawadi,
Ahmedabad (Gujarat) ...First Party

Vs.

Their Workman
Sh. Ranjit Vithalbhai Parmar,
Hiraji Vastaji ni Chali,
Nr. Old Airport,
Meghaninagar, Ahmedabad-380016
(Gujarat) ...Second Party
For the First Party: -
For the Second Party: -

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L- 12012/39/2006-IR(B-I) dated 22.09.2006 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad(Gujarat) in respect of the matter specified in the Schedule:

SCHEME

“Whether the action of the management of state Bank of India in terminating the services of Sri Ranjit Vithalbhai Parmar without following the provisions of section 25-F & 25-G of the Industrial Disputes Act, 1947 is legal and justified? If not, what relief the workman is entitled to and to what extent?”

2. This reference dates back to 22.09.2006. Both the parties are served and second party on 26.09.2008 thereafter on 01.03.2012 moved applications Ext.6 and Ext. 10 respectively for seeking time for filing statement of claim but he did not file the statement of claim despite grant of time, he has been absent since 12.08.2013.Thus, it appears that second party is not interested in the proceedings of the reference. Therefore, Tribunal has no option but to dismiss the reference in default of the second party.

The reference is dismissed in default of the second party.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 11 मई, 2016

का.आ. 993.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण, अहमदाबाद के पंचाट (संदर्भ संख्या 787/2004) (आई टी सी सं. 36/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11/05/2016 को प्राप्त हुआ था।

[सं. एल-41012/91/2002-आईआर (बी-I)]
रणबीर सिंह, अनुभाग अधिकारी

New Delhi, the 11th May, 2016

S.O. 993.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 787/2004) (ITC No. 36/2002) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the industrial dispute between the management of Western Railway and their workmen, received by the Central Government on 11/05/2016.

[No. L-41012/91/2002-IR(B-I)]
RANBIR SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present....

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 21st January, 2016

Reference: (CGITA) No. 787/2004
Reference: (ITC) No . 36/2002

- 1. The General Manager,
Western Railway,
Mumbai-400001.
- 2. The Divisional Railway Manager,
Western Railwy, Pratapnagar,
Baroda-390004
Vs.
...First Party

Their Workman
Sh.RatilalChatur,
Through the divisional Secretary,
Paschim Railway Karmchari Parishad,
Shasri Pole,
Kothi,
Baroda-390001 (Gujarat)
...Second Party

For the First Party : Ms. K.J. Parikh, Advocate
For the Second Party : Sh. H.D .Kathrotia, Advocate

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L- 41012/91/2002-IR(B-I) dated 10.10.2002 referred the dispute for adjudication to the Industrial Tribunal, Baroda(Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of Western Railway, Divisional Railway Manager, Baroda in imposing the penalty/punishment of ‘removal from service’ to Shri Ratilal Chatur, Diesel Khalasi is proportionate to the gravity of misconduct? If not, what relief the concerned workman Mr. RatilalChatur is entitled?”

2. This reference dates back to 10.10.2002. Both the parties have filed the Vakalatnama of their counsels but second party despite giving dozen of opportunities since 2002 has not submitted statement of claim. Thus, it appears that second party is not interested in the proceedings of the reference. Therefore, Tribunal has no option but to dismiss the reference in default of the second party.

The reference is dismissed in default of the second party.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 12 मई, 2016

का.आ. 994.—केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 91-के साथ पठित धारा 88 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मेसर्स इंडियन फारमस फर्टिलाइजर कॉर्पोरेटिव लिमिटेड (इफको) (सभी यूनिट/कार्यालय) के नियमित कर्मचारियों को इस अधिनियम के प्रवर्तन से छूट प्रदान करती है। यह छूट, 27 जून, 2016 से एक वर्ष की अवधि के लिए लागू रहेगी।

2. उक्त छूट निम्नलिखित शर्तों के अधीन है; अर्थात्:-

- (1) पूर्वोक्त स्थापना जिसमें कर्मचारी नियोजित हैं, एक रजिस्टर रखेगी, जिसमें छूट प्राप्त कर्मचारियों के नाम और पदनाम दिखाये जायेंगे;
 - (2) इस छूट के होते हुए भी, कर्मचारी उक्त अधिनियम के अधीन ऐसी प्रसुविधाएं प्राप्त करते रहेंगे जिनको पाने के लिए वे इस अधिसूचना द्वारा दी गई छूट के प्रवृत्त होने की तारीख से पूर्व संदत्त अंशदानों के आधार पर हकदार हो जाते हैं;
 - (3) छूट प्राप्त अवधि के लिए, यदि कोई अभिदाय पहले ही किए जा चुके हों, तो वे वापस नहीं किए जाएंगे;
 - (4) उक्त कारखाने/स्थापना का नियोजक उस अवधि की बाबत जिसके दौरान उस कारखाने/स्थापना पर उक्त अधिनियम (जिसे इसमें इसके पश्चात उक्त अवधि कहा गया है) प्रवर्तमान था ऐसी विवरणियां, ऐसे प्रारूप में और ऐसी विशिष्टियों सहित देगा जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की बाबत देनी अपेक्षित होती थीं;
 - (5) निगम द्वारा उक्त कर्मचारी राज्य बीमा अधिनियम की धारा 45 की उप-धारा (1) के अधीन नियुक्त किया गया कोई सामाजिक सुरक्षा अधिकारी या निगम का इस निमित्त प्राधिकृत कोई अन्य पदधारी;
 - (i) धारा 44 की उप-धारा (1) के अधीन, उक्त अवधि की बाबत दी गई किसी विवरण की विशिष्टियों को सत्यापित करने के प्रयोजनार्थ; अथवा
 - (ii) यह अभिनिश्चित करने के प्रयोजनार्थ कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथाअपेक्षित रजिस्टर और अभिलेख उक्त अवधि के लिए रखे गये थे या नहीं; या
 - (iii) यह अभिनिश्चित करने के प्रयोजनार्थ कि कर्मचारी, नियोजक द्वारा दिये गए उन फायदों को, जिसके फलस्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, नकद में और वस्तु रूप में पाने का हकदार बना हुआ है या नहीं; या
 - (iv) यह अभिनिश्चित करने के प्रयोजनार्थ कि उस अवधि के दौरान, जब उक्त कारखाने के संबंध में अधिनियम के उपबंध प्रवृत्त थे, ऐसे किन्हीं उपबंधों का अनुपालन किया गया था या नहीं, निम्नलिखित कार्य करने के लिए सक्त होगा:-
- (क) प्रधान या आसन्न नियोजक से अपेक्षा करना कि वह उसे ऐसी जानकारी दे जिसे उपरोक्त निरीक्षक या अन्य पदधारी आवश्यक समझता है; अथवा

- (घ) ऐसे प्रधान या आसन्न नियोजक के अधिभोगाधीन, किसी कारखाने, स्थापना, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रभारी से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और मजदूरी के संदाय से संबंधित ऐसे लेखा, बहियां और अन्य दस्तावेज, ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करें और उनकी परीक्षा करने दें या ऐसी जानकारी दें जिसे वे आवश्यक समझते हैं; या
- (ग) प्रधान या आसन्न नियोजक की, उसके अभिकर्ता या सेवक की, या ऐसे किसी व्यक्ति को, जो ऐसे कारखाने, स्थापना, कार्यालय या अन्य परिसर में पाया जाए, यह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना; या
- (घ) ऐसे कारखाने, स्थापना, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखा, बही या अन्य दस्तावेज की नकल तैयार करना या उद्धरण लेना;
- (ङ) यथानिर्धारित अन्य शक्तियों का प्रयोग करना।
6. विनिवेश/निगमीकरण के मामले में, प्रदत्त छूट स्वतः रद्द हो जाएगी और तब नए प्रतिष्ठान को छूट हेतु समुचित सरकार की अनुमति लेनी होगी।

[सं. एस-38014 / 05 / 2014—एस.एस.—I]
अजय मलिक, अवर सचिव

New Delhi, the 12th May, 2016

S.O. 994.—In exercise of the power conferred by Section 88 read with Section 91-A of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby exempts the regular employees of factories/establishments of M/s Indian Farmers Fertiliser Cooperative Ltd. (IFFCO), (All Units/offices) from the operation of the said Act. The exemption shall be effective w.e.f. 27.06.2016 for a period of one year.

2. The above exemption is subject to the following conditions namely:-

- (1) The aforesaid establishments wherein the employees are employed shall maintain a register showing the name and designations of the exempted employees;
- (2) Notwithstanding this exemption, the employees shall continue to receive such benefits under the said Act to which they might have become entitled to on the basis of the contributions paid prior to the date from which exemption granted by this notification operates;
- (3) The contributions for the exempted period, if already paid, shall not be refundable;
- (4) The employer of the said factory/establishment shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred as the said period), such returns in such forms and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;
- (5) Any Social Security Officer appointed by the Corporation under Sub-Section (1) of Section 45 of the said ESI Act or other official of the Corporation authorized in this behalf by it, shall, for the purpose of :-

- (i) Verifying the particulars contained in any returned submitted under sub-section (1) of section 44 for the said period; or
- (ii) Ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or
- (iii) Ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or
- (iv) Ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory to be empowered to:
 - (a) require the principal or immediate employer to him such information as he may consider necessary for the purpose of this Act; or

- (b) at any reasonable time enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found in charge thereof to produce to such inspector or other official and allow him to examine accounts, books and other documents relating to the employment of personal and payment of wages or to furnish to him such information as he may consider necessary; or
- (c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises or any person whom the said inspector or other official has reasonable cause to believe to have been an employee ; or
- (d) make copies of or take extracts from any register, account book or other document maintained in such factory, establishment, office or other premises,
- (e) exercise such other powers as may be prescribed.

(6) In case of disinvestment/corporatization, the exemption granted shall become automatically cancelled and then the new entity will have to approach the appropriate Government for exemption.

[No. S-38014/05/2014-S.S. -I]

AJAY MALIK, Under Secy.

नई दिल्ली, 16 मई, 2016

का.आ. 995.—ओर्धोगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय जीवन बीमा निगम के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओर्धोगिक विवाद में केन्द्रीय सरकार ओर्धोगिक अधिकरण/श्रम न्यायालय धनबाद के पंचाट (संदर्भ सं. 6/2001) प्रकाशित करती है जो केन्द्रीय सरकार को 16/05/2016 को प्राप्त हुआ था।

[सं. एल-17011/8/2000-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 16th May, 2016

S.O. 995.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 6/2001) of the Cent.Govt.Indus.Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of LIC of India and their workmen, received by the Central Government on 16/05/2016.

[No. L-17011/8/2000-IR(B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947

Reference: No. 6/ 2001

Employer in relation to the management of L.I.C of India, Muzaffarpur

AND

Their workmen

Present: Sri R.K.Saran, Presiding Officer

Appearances:

For the Employers:- Shri Nagendra Ram, A.O.

For the workman. :-Shri B.N.P. Srivastava, Concerned workman

State : Bihar.

Industry- L.I.C

Dated:-23/10/ 2015

AWARD

By order No. L-17011/8/2000 /IR (B-II) dated 10/01/2001 the central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub –section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

"Whether the action of the management of L.I.C of India, Muzaffarpur in paying 4 days TA/DA to the General Secretary of the Union to attend proceeding before CGIT New Delhi (Union claimed 5 days) from muzaffarpur is justified? If not what relief the union is entitled for?"

2. This case is received from the Ministry of Labour on 05.02.2001. After receipt of reference, both parties are noticed. The workman files their written statement on 03.04.2001. After long delay, the management files their written statement-cum-rejoinder on 03.10.2005. One witness examined on behalf the workman. And document of workman is marked as W-1 & W-2.

3. The case of the workman is that the petitioner is union's General secretary who has been attending the CGIT, New Delhi etc for cases of the union whether he is entitled TA/DA/Sp. Leave as per rule of the Corporation, the Tribunal issued certificate to the representative of the union evidencing attending each & every dates as fixed by the Tribunal but the management of LIC started victimising the petitioner by not settling his TA Bills correctly and properly.

4. It is also submitting by the workman that all the T.E bills were passed for payment & paid to the workman long ago. But when the petitioner was attaining age of superannuation the management all of a sudden submitted a list started deducting a sum of Rs. 27,281 in installment basis from the salary of the workman and rest amount from his retirement benefit as it was over paid, thereafter the dispute arose.

5. The management's case is that the petitioner has indulged the management in unnecessary litigation by filing frivolous and vexatious cases and the present dispute raised by the petitioner is one among those frivolous cases, and all his dues settled the T.E bills of the petitioner was paid for attending the CGIT proceeding and the T.E bills have been settled by allowing special leave/TA/DA for attending proceeding for the Tribunal and also for the actual period spent by him for to& fro journey.

6. It is mentioned by the management that the claim of the workman of total time taken in journey to & fro together with the date on which he attended the proceeding cannot exceed more than the period allowed by the management.

7. Short point to be decided in this case that, the workman who is an union leader claimed 5 days TA & DA and that was denied by the management. The workman claim is that in the union work , he proceeded various cities of all over India, taking permission of LIC and accordingly claimed TA & DA.

8. In cross Examination of WW-1 he said that "I attended the court of CGIT Delhi in connection with ID case No. 27/91. Each time I am going to attend the CGIT and each time they disallow on day TA/DA. It is a fact that from going to Delhi, attending the court work, to come to hqrs Muzafferpur 5 days will be spent i.e. two days proceed + one day work + 2 days return, total 5 days. So also for attending Mumbai, Hyderabad, Ahemadabad, Bangalore 5 days time will be consumed."

9. In re-examination on recall he also said that " for attending the CGIT , I undertaken tour, by the ticket provided by management and only claimed the DA amount was deducted.

10. As per Ext. W-2 the management has not allowed any TA/DA for proceeding to Delhi in ID No. 27/91 but by filing a petition by the workman before the CGIT New Delhi, the Presiding Officer allowed TA/DA to all representative of Union attending court subject to production of Court certificate. Thereafter the management allowed to grant TA & DA, to the union representative. It is also seen that court certificate after all visit is attached with the bills and bill passed and payment are made.

11. As per photo copy of bills and cross examination of WW-1, it is also clear that all tickets provided by the LIC of India i.e management, DA calculated as per rule for to & fro journey. Moreover though on the train ticket arrival time of train is mentioned, it is not possible to check when that train actually reaches platform nor the management proved the same.

12. The management after checking the same, allowed the claim and that was received by the workman long back. No audit objection/inspection report in adverse about all these bill filed. Even through the workman, if claimed more and paid, he was not asked how he claimed TA & DA in excess. No proceeding was initiated against him and it was not recovered at that point of time nor the persons prepared the bill taken to task. At the time of retirement deduction of the amount was uncalled for

13. This Tribunal directed the parties to settle the dispute. The management failed produced the old records. Though both parties sat twice the settlement was failed. On perusal of the claims going for Mumbai, New Delhi, Calcutta, Hydrabad, completing the court work, it may not be possible on the part of workman to return and work in the office. Moreover deducting the claim after payment lastly at the time of retirement is uncalled for.

14. In this context (2005)-2 BLJR 1360 (Jhar) Baleshwar Singh Vs State of Jharkhand & ors. The Court passed order that "when any benefit of higher pay was given to Govt. servant by competent authority not on account of any misrepresentation or any unfair role on part of Govt. servant but on account of wrong notion on part of competent authority, the Govt. servant is not liable for any such wrong.

15. Considering the facts and circumstances of this case. I hold that the action of the management of L.I.C of India, Muzaffarpur in paying 4 days TA/DA to B.N.P Srivastava General Secretary of the Union to attend proceeding before CGIT New Delhi (Union claimed 5 days) from muzaffarpur is not justified. Hence he be paid his dues which was deducted, within one month after the publication of the award in the Gazette of India, If after one month the amount is not paid that will carry 10% interest P.A.

This is my award.

R. K. SARAN, Presiding Officer

नई दिल्ली, 16 मई, 2016

का.आ. 996.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सैटल बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद के पंचाट (संदर्भ सं. 06/1994) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16/05/2016 को प्राप्त हुआ था।

[सं. एल-12011/20/1993-आईआर (बी-II)]
रवि कुमार, डेस्क अधिकारी

New Delhi, the 16th May, 2016

S.O. 996.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 06/1994) of the Cent.Govt.Indus.Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the management of Central Bank of India and their workmen, received by the Central Government on 16/05/2016.

[No. L-12011/20/1993-IR(B-II)]
RAVI KUMAR, Desk Oficer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947.

Reference: No. 06/1994

Employer in relation to the management of Central Bank of India

AND

Their workmen

Present: Sri R.K. Saran, Presiding Officer

Appearances:

For the Employers :- Shri Nitin Singh, Advocate

For the workman . :- None

State : Jharkhand.

Industry- Banking

Dated- 08/04/ 2016

AWARD

By order No. L-12011/20/1993-IR(B-II) dated 09/02/1994, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub -section (1) and sub-section (2A) of section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of Central bank of India, Muzaffarpur in deducting one days wages for 07/12/1992 in respect of the following workmen is justified? If not, what relief are these workmen entitled to?”

- | | |
|-----------------------|----------------------|
| 1. Shri N. K. Roy | 2. Shri S.K.Singh |
| 3. Shri S.N.Mishra | 4. Shri Rajiv Ranjan |
| 5. Shri K.K. Choudhry | 6. Shri R.S.Gupta |
| 7. Shri Ajay Kumar | 8. Shri B.K.Karn |

2. After receipt of the reference, both parties are noticed. But appearing for certain dates none appears by the workman subsequently. Case remains pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K.SARAN, Presiding Officer

नई दिल्ली, 16 मई, 2016

का.आ. 997.—ओद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सैट्रल बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद के पंचाट संदर्भ सं. (24/2014) को प्रकाशित करती है जो केन्द्रीय सरकार को 16/05/2016 को प्राप्त हुआ था।

[सं. एल-12011/191/2001-आईआर (बी-II)]
रवि कुमार, डेर्स्क अधिकारी

New Delhi, the 16th May, 2016

S.O. 997.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 24/2014) of the *Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad* as shown in the Annexure, in the industrial dispute between the management of Central Bank of India and their workmen, received by the Central Government on 16/05/2016.

[No. L-12011/191/2001-IR(B-II)]
RAVI KUMAR, Desk Oficer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.1), DHANBAD

IN THE MATTER OF A REFERENCE U/S 10(1) (D) (2A) OF I.D.ACT, 1947

Ref. No. 24 of 2014

Employers in relation to the management of Central Bank of India, Patna

AND

Their workmen

Present: Sri Ranjan Kumar Saran, Presiding Officer

Aparances:

For the Employers:- Sri S.K.Garg, Law Officer

For the workman. :- Sri B.Prasad, Rep.

State :- Bihar

Industry:-Banking.

Dated. 23/02/2016

AWARD

By Order No.L-12011/191/2001 -IR -(B-II), dated 19/06/2002, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of Central Bank Of India in not regularizing , Shri Madan Gopal Prasad, Sh. Rajendra Prasad Srivastava, Sh. Pradeep Mondal and Sri Vijay Kumar Gupta is justified? If not, what relief the workmen are entitled to?”

2. This case is received by the CGIT No.2, Dhanbad on 30.07.2002 registered as Reference Case No. 49/02. After receipt of the case, both parties were noticed, the workman files their written statement on 05.08.2002. The management files their written statement on 25.09.2002. Sri Pradeep Mondal witness examined on behalf of the workman and documents of workman is also marked as W-1 to W-12 before the CGIT No.2.

3. Thereafter vide letter No. L-12011/191/2001 IR (B-II) dated 12/02/2014, received from CGIT No.2 on 12/03/2014, on transfer basis to proceed from the stage at which it is transferred. Thereafter the case is registered as Reference case No. 24/2014 before the CGIT No.1, Dhanbad.

4. The case of the workman is that Sri Madan Gopal Prasad, Sri Rajendra Pd. Srivastava, Sri Pradeep Mondal and Sri Vijay Kumar Gupta was orally appointed as driver for driving from different dates on different remuneration on monthly salary basis in bank. And all workmen have been regularly driving the vehicle from 9.00 AM to 8.00 P.M and even beyond that as per requirement of Bank. All vehicles were purchased by Central Bank of India and the owner of all the vehicle is Central Bank of India.

5. It is further submitted by the workman that the workmen are required to drive the vehicles from their Head Quarter

to different place of the Bank where Branches/ Offices of Central Bank of India exist. And they are discharging all the duties of permanent driver but without any service condition.

6. The matter of regularisation was taken up with the management on a number of occasion but without result . As there was no scope of regularisation of their service, the workmen approached the sponsoring Union for raising Industrial dispute, accordingly the dispute arose. The union also submits that Sri Pradeep Mondal has been working as Driver of Central Bank of India, Regional Manager , Purnea from 05.05.1988 and was the senior most driver as per the list prepared by the Bank, as his name appears at Serial No.1.

7. On the other hand the case of the management is that the four drivers whose case is being represented by the union are personal driver of the Executive of the Bank as such the present dispute is not fit to be entertained.

8. It is submitted by the management that the persons concerned were never paid any wages /salary by the management, whatever amount are paid, they are paid by the concerned executive who is taking work from them in their personal capacity. And the owner ship of the vehicle has not relevancy to the point involved in this case. Since the concerned persons are not an employee of the Bank, the question of payment of bonus and Provident fund or regularisation does not arise.

9. It is further stated by the management that the management is a Nationalized Bank and they recruit staff etc. as per rule of the Bank. If any vacancy of driver are occasioned same in sanctioned by the authority, such vacancies are required to be advertised with requisite qualification names of candidates to be sponsored by employment exchange, their age must be between 18 to 26 years, they must have experience of five years as driver and application for eligible candidates are invited and then they are considered for employment as per rule/ policy of the Bank. Accordingly the concerned workmen are not entitled to any relief as claimed.

10. The short point to be decided in this reference is whether the driver engaged by the Bank officials, who are driving the Bank's vehicle, for the bank Officers will be regularised or not.

11. During pendency of this case the union files Written notes of argument and submits that out of the four workmen , the services of three workmen namely 1. Sri Madan Gopal Prasad 2. Sri Rajendra Pd. Srivastava and 3.Sri Vijay Kumar Gupta were regularised as Driver. For which the management also filed a petition dated 21.11.2007 for dropping the names of these three persons from this case as such affidavits of there also filed by the management.

12. As such union did not object and the union submits that now the case is only for one workman Pradeep Mondal requires consideration.

13. The workmen submitted that he is giving service to the bank by driving their vehicles and also getting wages through bank and filed the bank's voucher marked Exhibits., Moreover from the documents filed by the workman, it is seen, bank has settle guide lines for selection of drivers of bank vehicles.

14. The workman also filed the photo copy of log book marked as Ext. W-12 series. The bank management though accepted that the workman was driving the vehicle but argued that they were driving their personal vehicle but the bank paying them wages since long time. The workman Sri Pradeep Mondal examined as WW-1 say that my claim is for permanent Driver as other driver has given employment. He also says in cross examination that I did not serve the regional Manager for any personal work relating to his domestic matter.

15. As per Ext W-9 , the letter of management No. RO/Prs./2001-2002/426 dated 21.8.2001 proves that he works regularly from 1988 and it is certified that Sri Mondal has been driving the RM's vehicles since 5.5.1988 under various Regional Managers.

16. It is also proved , the owner of the vehicles is Central Bank of India. In Ext.W-9/1, to 9/7 series the is certificates of Sri A.K.Saverwal and from many Regional Manager , in which he recommend to regularise Sri Pradeep Mondal as he is working from last 19 years, they have also certified that he is very honest workman and he may be observed as regular basis.

17. On Perusal of all voluminous document of workman it is clear that the workman Pradeep Mondal has just claim, Similar persons have already regularized by Bank.

18. Considering the facts and circumstances of this case, I hold that the action of the management of Central Bank of India in not regularizing , Sh. Pradeep Mondal is not justified. Therefore the management is directed to regularise Sri Pradeep Mondal against the regular vacant post of driver or peon within 30 days from the publication of the award. As otherwise the workman will claim full wages from the 31st day of the award.

This is my award.

R. K. SARAN, Presiding Officer

नई दिल्ली, 16 मई, 2016

का.आ. 998.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आन्ध्रा बँक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ सं. 16/2016) को प्रकाशित करती है जो केन्द्रीय सरकार को 16/05/2016 को प्राप्त हुआ था।

[सं. एल-12011/107/2015-आईआर (बी.-II)]

रवि कुमार, डेर्स्क अधिकारी

New Delhi, the 16th May, 2016

S.O. 998.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 16/2016) of the *Cent. Govt. Indus. Tribunal-cum-Labour Court, Chennai* as shown in the Annexure, in the industrial dispute between the management of Andhra Bank and their workmen, received by the Central Government on 03/02/2016.

[No. L-12011/107/2015-IR(B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM - LABOUR COURT, CHENNAI

Thursday, the 7th April, 2016

Present : K.P. PRASANNA KUMARI, Presiding Officer

Industrial Dispute No. 16/2016

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of Andhra Bank and their workman)

BETWEEN

The General Secretary, : 1st Party/Petitioner Union
Andhra Bank Employees Union
227, Angappa Naicken Street

Chennai-600001

AND

1. The Branch Manager, : 2nd Party/1st Respondent
Andhra Bank Chengalpattu Branch
Aarupadai Palace, No. 553A, TKM Road
Chengalpattu-603001

2. The Zonal Manager, : 2nd Party/2nd Respondent
Andhra Bank, Zonal Office
168, Linghi Chetty Street
Chennai-600001

Appearance:

For the 1st Party/Petitioner Union : Sri K. Thamaraiselvan, General Secretary
For the 2nd Party/1st & 2nd Management : In Person

AWARD

The Central Government, Ministry of Labour & Employment vide its Order No. L-12011/107/2015-IR (B-II) dated 28.02.2016 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

"Whether the demand of the Union in seeking regularization of the services of Ms. Lavanya at Chengalpattu Branch by the Management of Andhra Bank is justified? If not, to what relief is the concerned workman entitled?"

2. On receipt of the Industrial Dispute this Tribunal has numbered it as ID 16/2016 and issued notice to both sides. The petitioner has directly entered appearance on receipt of notice.

3. The General Secretary of the Petitioner Union has filed a memo stating that the Union and the Respondent Bank have been discussing the issues and that there will be positive decision regarding the dispute shortly. It is further stated in the memo that the dispute is not being pressed for the above reason. The ID is to be decided against the petitioner in the circumstances.

Therefore, reference is answered against the petitioner. An award is passed accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 7th April, 2016)

K.P. PRASANNA KUMARI, Presiding Officer

Witnesses Examined :

For the 1 st Party/Petitioner Union	:	None
For the 2 nd Party/1 st & 2 nd Party Management	:	None

Documents Marked:

On the Petitioner's side

Ext. No.	Date	Description
	Nil	

On the Management's side

Ext. No.	Date	Description
	Nil	

नई दिल्ली, 16 मई, 2016

का.आ. 999.—ओद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आन्ध्रा बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट (संदर्भ सं. 14/2016) को प्रकाशित करती है जो केन्द्रीय सरकार को 3.2.2016 को प्राप्त हुआ था।

[सं. एल-12011/105/2015-आईआर (बी-II)]
रवि कुमार, डेस्क अधिकारी

New Delhi, the 16th May, 2016

S.O. 999.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 14/2016) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the industrial dispute between the management of Andhra Bank and their workmen, received by the Central Government on 03/02/2016.

[No. L-12011/105/2015-IR(B-II)]
RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Thursday, the 7th April, 2016

Present : K.P. PRASANNA KUMARI, Presiding Officer

Industrial Dispute No. 14/2016

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of Andhra Bank and their workman)

BETWEEN

The General Secretary, : 1st Party/Petitioner Union
 Andhra Bank Employees Union
 227, Angappa Naicken Street
Chennai-600001

AND

1. The Branch Manager, : 2nd Party/1st Respondent
 Andhra Bank
 No. 321, Neelangarai Branch
 Karunanithi Salai, Kapaleeswarar Nagar
Chennai-600115
2. The Zonal Manager, : 2nd Party/2nd Respondent
 Andhra Bank, Zonal Office
 168, Linghi Chetty Street
Chennai-600001

Appearance:

- For the 1st Party/Petitioner Union : Sri K. Thamaraiselvan, General Secretary
 For the 2nd Party/1st & 2nd Management : In Person

AWARD

The Central Government, Ministry of Labour & Employment vide its Order No. L-12011/105/2015-IR (B.II) dated 26.02.2016 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

“Whether the demand of the Union in seeking regularization of the services of Sri Prasad at Neelangarai Branch by the Management of Andhra Bank is justified? If not, to what relief is the concerned workman entitled?”

2. On receipt of the Industrial Dispute this Tribunal has numbered it as ID 14/2016 and issued notice to both sides. The petitioner has directly entered appearance on receipt of notice.
3. The General Secretary of the Petitioner Union has filed a memo stating that the Union and the Respondent Bank have been discussing the issues and that there will be positive decision regarding the dispute shortly. It is further stated in the memo that the dispute is not being pressed for the above reason. The ID is to be decided against the petitioner in the circumstances.

Therefore, reference is answered against the petitioner. An award is passed accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 7th April, 2016)

K.P. PRASANNA KUMARI, Presiding Officer

Witnesses Examined:

- For the 1st Party/Petitioner Union : None
 For the 2nd Party/1st & 2nd Party Management : None

Documents Marked:**On the Petitioner's side**

Ext.No.	Date	Description
	Nil	

On the Management's side

Ext.No.	Date	Description
	Nil	

नई दिल्ली, 16 मई, 2016

का.आ. 1000.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एफसीआई के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ सं. 51/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16.05.2016 को प्राप्त हुआ था।

[सं. एल-22015/17/2014-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 16th May, 2016

S.O. 1000.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 51/2014) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure, in the industrial dispute between the management of Food Corporation of India, and their workmen, received by the Central Government on 16.05.2016.

[No. L-22015/17/2014-IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

Present:

Shri B.C. Rath, Presiding Officer,
C.G.I.T.-cum-Labour Court, Bhubaneswar

INDUSTRIAL DISPUTE CASE NO. 51/2014

L-22015/17/2014 – IR (CM-II), dated 26.09.2014

Date of Passing Order – 16th April, 2016

Between:

1. The District Manager,
Food Corporation of India,
Budharaja, Sambalpur, Dist. Sambalpur,
Orissa.

2. The Regional Manager,
Food Corporation of India,
Vani Vihar, Bhubaneswar, Odisha.

... 1st Party-Managements.

(And)

Shri Tikeswar Seth, S/o. Makunda Seth & Others,
At. Attabira (Bajarangipada),
Po./Ps./Tehsil: Attabira (Bajarangipada),
Dist. Bargarh, Odisha.

... 2nd Party-Workman.

Appearances:

None. ... For the 1st Party-
Managements.

None ... For the 2nd Party-
Workman.

ORDER

Case taken up. Parties are absent. The 2nd Party-Workman has not filed any statement of claim despite sending notices through ordinary as well as regd. post. As such it seems that the 2nd party-Workman is not interested in

prosecuting his case. However the dispute cannot be adjudicated upon for want of pleadings on behalf of the parties. As such there is no alternative except to return the reference to the Government for necessary action at its end.

2. Accordingly the reference is returned to the Government unanswered for necessary action at its end.

Dictated & Corrected by me.

B.C. RATH, Presiding Officer

नई दिल्ली, 16 मई, 2016

का.आ. 1001.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एफसीआई के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/प्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ सं. 33/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16.05.2016 को प्राप्त हुआ था।

[सं. एल-22015/13/2014-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 16th May, 2016

S.O. 1001.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 33/2014) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure, in the industrial dispute between the management of Food Corporation of India, and their workmen, received by the Central Government on 16.05.2016.

[No. L-22015/13/2014-IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

Present:

Shri B.C. Rath, Presiding Officer,
C.G.I.T.-cum-Labour Court, Bhubaneswar

INDUSTRIAL DISPUTE CASE NO. 33/2014

L-22015/13/2014 – IR (CM-II), dated 09.06.2014

Date of Passing Order – 13th April, 2016

Between:

1. The District Manager,
Food Corporation of India,
Budharaja, Sambalpur, Dist. Sambalpur,
Orissa.
2. The Regional Manager,
Food Corporation of India,
Vani Vihar, Bhubaneswar, Odisha.

... 1st Party-Managements.

(And)

Shri Ashis Meher, R/o. Attabira
(Bajarangipada), Po/Ps/Tehsil Attabira,
(Bajarangipada), Dist. Bargarh, Orissa.

... 2nd Party-Workman.

Appearances:

None.	...	For the 1 st Party- Managements.
None	...	For the 2 nd Party- Workman.

ORDER

Case taken up. Parties are absent. The 2nd Party-Workman has not filed any statement of claim despite sending notices through ordinary as well as regd. post. On 29.2.2016 notice was issued to the 2nd party-workman through R.L.C(C), Bhubaneswar, but the 2nd party-workman fails to attend today i.e. on 13.04.2016 and files his statement of claim. As such it seems that the 2nd party-workman is not interested in prosecuting his case. However the dispute cannot be adjudicated upon for want of pleadings on behalf of the parties. As such there is no alternative except to return the reference to the Government for necessary action at its end.

2. Accordingly the reference is returned to the Government unanswered for necessary action at its end.

Dictated & Corrected by me.

B.C. RATH, Presiding Officer

नई दिल्ली, 16 मई, 2016

का.आ. 1002.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एफसीआई के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/प्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ सं. 28/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16.05.2016 को प्राप्त हुआ था।

[सं. एल-22015/6/2014-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 16th May, 2016

S.O. 1002.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 28/2014) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure, in the industrial dispute between the management of Food Corporation of India, and their workmen, received by the Central Government on 16.05.2016.

[No. L-22015/6/2014-IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

Present:

Shri B.C. Rath, Presiding Officer
C.G.I.T.-cum-Labour Court, Bhubaneswar

INDUSTRIAL DISPUTE CASE NO. 28/2014

L-22015/6/2014 – IR (CM-II), dated 02.05.2014

Date of Passing Order – 31st March, 2016

Between:

1. The District Manager,
Food Corporation of India,
Budharaja, Sambalpur, Dist. Sambalpur,
Orissa.
2. The Regional Manager,
Food Corporation of India, Vani Vihar,
Bhubaneswar, Odisha.

... 1st Party-Managements.

(And)

Shri Sivaram Sethi, A/o Late Sh. Krutibash Sethi
R/o Attabira (Bajarangipada),
Po/Ps/Tehsil Attabira (Bajarangipada),
Dist. Bargarh, Orissa.

... 2nd Party-Workman.

Appearances:

None.	...	For the 1 st Party-Managements.
None	...	For the 2 nd Party-Workman.

ORDER

Case taken up. Parties are absent. The 2nd Party-Workman has not filed any statement of claim despite sending notices through ordinary as well as regd. post. On 29.2.2016 notice was issued to the 2nd party-workman through R.L.C(C), Bhubaneswar, but the 2nd party-workman fails to attend today i.e. on 31.3.2016 and files his statement of claim. As such it seems that the 2nd party-workman is not interested in prosecuting his case. However the dispute cannot be adjudicated upon for want of pleadings on behalf of the parties. As such there is no alternative except to return the reference to the Government for necessary action at its end.

2. Accordingly the reference is returned to the Government unanswered for necessary action at its end.

Dictated & Corrected by me.

B.C. RATH, Presiding Officer

नई दिल्ली, 16 मई, 2016

का.आ. 1003.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एफसीआई के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ सं. 29/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16.05.2016 को प्राप्त हुआ था।

[सं. एल-22015/7/2014-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 16th May, 2016

S.O. 1003.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 29/2014) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure, in the industrial dispute between the management of Food Corporation of India, and their workmen, received by the Central Government on 16.05.2016.

[No. L-22015/7/2014-IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR****Present:**

Shri B.C. Rath, Presiding Officer,
C.G.I.T.-cum-Labour Court, Bhubaneswar

INDUSTRIAL DISPUTE CASE NO. 29/2014

L-22015/7/2014 – IR (CM-II), dated 09.05.2014

Date of Passing Order – 31st March, 2016

Between:

1. The District Manager,
Food Corporation of India,
Budharaja, Sambalpur, Dist. Sambalpur,
Orissa.
2. The Regional Manager,
Food Corporation of India, Vani Vihar,
Bhubaneswar, Odisha.

... 1st Party-Managements.

(And)

Shri Jayanta Kumar Rout,
R/o Attabira (Bajarangipada),
Po/Ps/Tehsil Attabira (Bajarangipada),
Dist. Bargarh, Orissa.

... 2nd Party-Workman.

Appearances:

None.	...	For the 1 st Party- Managements.
None	...	For the 2 nd Party- Workman.

ORDER

Case taken up. Parties are absent. The 2nd Party-Workman has not filed any statement of claim despite sending notices through ordinary as well as regd. post. On 29.2.2016 notice was issued to the 2nd party-workman through R.L.C(C), Bhubaneswar, but the 2nd party-workman fails to attend today i.e. on 31.3.2016 and files his statement of claim. As such it seems that the 2nd party-workman is not interested in prosecuting his case. However the dispute cannot be adjudicated upon for want of pleadings on behalf of the parties. As such there is no alternative except to return the reference to the Government for necessary action at its end.

2. Accordingly the reference is returned to the Government unanswered for necessary action at its end.

Dictated & Corrected by me.

B.C. RATH, Presiding Officer

नई दिल्ली, 16 मई, 2016

का.आ. 1004.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एफसीआई के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ सं. 34/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16.05.2016 को प्राप्त हुआ था।

[सं. एल-22015/12/2014-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 16th May, 2016

S.O. 1004.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 34/2014) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure, in the industrial dispute between the management of Food Corporation of India, and their workmen, received by the Central Government on 16.05.2016.

[No. L-22015/12/2014-IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR****Present:**

Shri B.C. Rath, Presiding Officer,
C.G.I.T.-cum-Labour Court, Bhubaneswar

INDUSTRIAL DISPUTE CASE NO. 34/2014

L-22015/12/2014 – IR (CM-II), dated 09.06.2014

Date of Passing Order – 13th April, 2016

Between:

1. The District Manager,
Food Corporation of India,
Budharaja, Sambalpur, Dist. Sambalpur,
Orissa.

2. The Regional Manager,
Food Corporation of India, Vani Vihar,
Bhubaneswar, Odisha.

... 1st Party-Managements.

(And)

Shri Subash Seth, R/o. Attabira
(Bajarangipada), Po/Ps/Tehsil Attabira,
(Bajarangipada), Dist. Bargarh, Orissa.

... 2nd Party-Workman.

Appearances:

None. ... For the 1st Party-
Managements.

None ... For the 2nd Party-
Workman.

ORDER

Case taken up. Parties are absent. The 2nd Party-Workman has not filed any statement of claim despite sending notices through ordinary as well as regd. post. On 29.2.2016 notice was issued to the 2nd party-workman through R.L.C(C), Bhubaneswar, but the 2nd party-workman fails to attend today i.e. on 13.4.2016 and files his statement of claim. As such it seems that the 2nd party-workman is not interested in prosecuting his case. However the dispute cannot be adjudicated upon for want of pleadings on behalf of the parties. As such there is no alternative except to return the reference to the Government for necessary action at its end.

2. Accordingly the reference is returned to the Government unanswered for necessary action at its end.

Dictated & Corrected by me.

B.C. RATH, Presiding Officer

नई दिल्ली, 17 मई, 2016

का.आ. 1005.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब नैशनल बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ सं. 26/2012) को प्रकाशित करती है जो केन्द्रीय सरकार को 17.05.2016 को प्राप्त हुआ था।

[सं. एल-12011/25/2011-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 17th May, 2016

S.O. 1005.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 26/2012) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the management of Punjab National Bank and their workmen, received by the Central Government on 17.05.2016.

[No. L-12011/25/2011-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR
NO. CGIT/LC/R/26/2012**

General Secretary,
Rashtriya Karmachari Sangathan,
Central Office, F-1, Tripti Vihar,
Ujjain

...Workman/Union

Versus

Managing Director,
Punjab National Bank, Head Office,
Bikaji Kama Palace,
New Delhi

...Management

A W A R D

Passed on this 2nd day of March 2016

1. As per letter dated 18-1-2012 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-12011/25/2011-IR(B-II). The dispute under reference relates to:

“Whether the applicant Shri Rajeev Stephen is entitled for full wages for the period from 6-11-2000 to 25-6-2001? If so, what relief the workman is entitled to?”

2. After receiving reference, notices were issued to the parties. Ist party workman filed statement of claim through General Secretary of Nationalised Bank Employees Union Ujjain. The case of Ist party workman is that he was suspended for imaginary allegations. Chargesheet was issued to him. He was appointed as clerk-cum-cashier on 12-4-89. He worked with devotion under Branch Manager Shri D.K.Jain, Joshi and Sunil Soni. 6th Bipartite settlement was executed on 12-2-95. Said bipartite settlement was implemented from 1-11-92. As per 6th bipartite settlement, he was paid Rs. Rs.3115/- On 27-3-07, bipartite settlement was executed. His basic pay as per 7th bipartite settlement was Rs.560/- from 1-11-97 to March 2000. Management malafidely intended to shift him to Ratlam and one Shri Sunil Soni was shifted to Kuchdot branch. Instead of Rs.5060/- he was paid Rs.4960/-, he was paid arrears Rs.6416.31. he was deliberately paid less amount of Rs.3000. though he was entitled to basic pay of Rs.5060 as per 7th bipartite settlement. The arrears were not correctly paid. Ist party workman was repeatedly submitting representations for payment of arrears,. On 22-7-00, Branch Manager Shri D.K.Jain directed workman to prepare vouchers of Rs.3000 and arrears as petty advance. Workman had obeyed his directions and prepared credit vouchers of Rs.3000/. Amount of Rs. 3000/- was debited to the credit vouchers. It is alleged that the workman was suspended from 19-8-00 hatching conspiracy for transfer of Shri Sunil Kuchdot from Ratlam. Chargesheet was issued to him on 5-9-00 with groundless allegations. The order of his suspension was not issued by the Competent Authority. The order of his suspension was illegal. His suspension was revoked on 16-11-2000,. Workman was transferred from Ratlam to Kuchdot branch. Workman was suffering from Jaundice. When order of his suspension was revoked on 16-11-2000, workman could not join kuchdot branch. Again charge sheet was issued to workman on 8-5-01 for his failure to resume ditches in kuchdot branch. Vide order dated 25-6-01, Ist party workman was transferred to Jawra branch revoking his suspension. Enquiry Officer submitted report on 2-12-02 holding that the charges alleged in chargesheet dated 5-9-00 were not proved. Workman submits that he is entitled to full salary from 16-11-00 to 25-6-01. He also claims eligible for subsistence allowance during above said period.

3. For the chargesheet issued to workman for his failure to join duty at Kuchdot branch after report submitted by Enquiry Officer was issued to him. No suspension order was issued for his failure to join duty at Kuchdot branch. On such ground, workman prays that salary for the period 16-11-2000 to 25-6-01 for Rs.27,320.78 be paid to him with interest.

4. 2nd party filed Written Statement opposing claim of workman. 2nd party submits that workman was suspended on 19-8-00. Chargesheet was issued on 5-9-2000. Charges against workman were that he had withdrawn amount of Rs.3000 preparing vouchers and taking credit entries. The deposit voucher was signed unauthorisely. Amount of Rs.1500/- was withdrawn. Suspension of workman was revoked on 16-11-2000. Workman was directed to join duty in Kuchdot branch. After joining in Kuchdot branch, his revocation was to be treated. Chargesheet was issued to workman on 5-9-2000. Workman did not report to duty in kuchdot branch on 16-11-90. That workman did not join kuchdot branch on the ground of want of medical facility at the place. Workman was transferred to Jawra branch on 25-6-01. He submitted his joining report in Jawra branch on 26-6-01. The punishment of warning was imposed against workman in chargesheet dated 8-5-01. Said punishment was confirmed by Appellate Authority. Directions were given for payment

of salary to the workman for the period 19-8-2000 to 15-11-2000. The charges were found proved. It is reiterated that punishment of warning was imposed on Ist party workman as per clause 19.6(h) of the Bipartite Agreement. Ist party workman has made serious allegations that the officers lingered the conciliation proceedings and huge amount of TA DA was drawn. As the pleadings on above points are not connected with the dispute under reference, its details are not required to be mentioned. Such pleadings deserves to be replicated. 2nd party submits that as punishment of warning was imposed and suspension of workman was revoked from 16-11-90, workman failed to join duty in Kuchdot branch. Workman is not entitled to any relief.

5. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the applicant Shri Rajeel Stephen is entitled for full wages for the period from 6-11-2000 to 25-6-2001?	In Negative
(ii) If not, what relief the workman is entitled to?"	Workman is not entitled to any relief.

REASONS

6. The documents produced by Ist party workman Exhibit W-1 to W-18 are admitted by management. Workman did not adduce evidence. Evidence of workman was closed on 7-10-2014.

7. Management filed affidavit of evidence of Smt. Mahalakshmi supporting contentions in Written Statement filed by management w.r.t. the charges issued to workman dated 5-9-00 and charge sheet issued on 8-5-01. The suspension of workman was revoked on 16-11-2000. Workman was directed to join duty at Kuchdot branch. Workman did not join duty in said branch. Workman was transferred to Jawra branch on 25-6-01. He joined duty on 26-6-01. In enquiry conducted against workman, charges alleged in charge sheet dated 8-5-01 were proved. Punishment of warning was imposed against him. Management's witness in his cross-examination says she was not posted in Kuchdot, Jawra branch during the period 2001-02. She was unable to tell whether pay of workman was fixed less by Rs.100/- management's witness admits that amount of Rs. 3000 was paid to workman from Sundry Account.

8. The documents Exhibit M-1 produced by 2nd party is circular as per bipartite settlement. Exhibit W-1, W-2 are w.r.t. 6th & 7th bipartite settlement between management and Union. Exhibit W-3 is the chart of arrears paid to workman. As per Exhibit W-4,5 amount of Rs.3000 was transferred to workman towards arrears of salary. As per Exhibit W-6, workman was suspended on 19-8-00. Exhibit W-8 is chargesheet issued to workman on 5-9-2000. Exhibit W-9 is circular issued by Bank as per Bipartite Settlement. As per Exhibit W-11, suspension of workman was revoked directing him to join at Kuchdot branch. Departmental enquiry was continued. Exhibit W-12 is chargesheet dated 8-5-01 issued to workman for disobeying the orders of his superior not joining Kuchdot branch. Exhibit W-13 is order dated 25-6-01 transferring the workman to Jawra branch revoking his suspension. As per Exhibit W-15- enquiry Report, it was noted that the workman was suffering from Jaundice and did not join the branch office. There is no dispute that as per Enquiry Report. Exhibit W-16 charges alleged against workman were not proved. That punishment of warning was imposed against workman for his failure to join Kuchdot branch. When workman has failed to join Kuchdot and punishment of warning is imposed on him, his suspension was revoked on 16-11-2000, claim of workman for full wages from 16-11-2000 to 25-6-01 is not justified. When workman himself failed to join duty, following principles of no work no pay, the claim of workman for full wages is not legal. Therefore I record my finding in Point No.1 in Negative.

9. In the result, award is passed as under:-

- (1) The workman Shri Rajeel Stephen is not entitled for full wages for the period from 6-11-2000 to 25-6-2001.
- (2) Workman is not entitled to any relief.

R. B. PATLE, Presiding Officer

नई दिल्ली, 17 मई, 2016

का.आ. 1006.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ सं. 308/99) को प्रकाशित करती है जो केन्द्रीय सरकार को 17.05.2016 को प्राप्त हुआ था।

[सं. एल-12012/133/99-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 17th May, 2016

S.O. 1006.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 308/99) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the management of Bank of India and their workmen, received by the Central Government on 17.05.2016.

[No. L-12012/133/99-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR NO. CGIT/LC/R/308/99

General Secretary,
Daily Wages Bank Employees Association,
Hardev Niwas, 9, Sanwer Road,
Ujjain

...Workman/Union

Versus

Zonal Manager,
Bank of India, Zonal Office,
MP Zone, Bank of India Bhawan
Jail Road, Arera Hills,
Bhopal (MP)

...Management

AWARD

Passed on this 4th day of March, 2016

1. As per letter dated 29-9-99 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-12012/133/99-IR(B-II). The dispute under reference relates to:

“Whether the action of the management of Bank of India in terminating the services of sShri Tejprakash Choudhary w.e.f. 1-12-98 and not regularizing him after completion of 240 days in a calendar year is justified? If not, what relief the workman is entitled for?”

2. After receiving reference, notices were issued to the parties. Workman submitted statement of claim at Page 3/1 to 3/5. Case of Ist party workman is that he was appointed as permanent peon by Branch Manager Sujalpur Mandi on 1-6-86. He was engaged on daily wages. He was working with devotion. As per letter dated 8-5-86, candidates were called from Employment Exchange for engaging on daily wages for six months. After receiving list of candidates, all the candidates were interviewed. Panel list was prepared. That from 1-6-86 to Feb 90, he worked for 235 days as Badli. Branch Manager told him that permission was issued from Regional Manager for his engagement on regular basis. Workman was paid wages for working days. He worked more than 240 days during 1996 to 1998. His services are terminated without notice. He was not paid retrenchment compensation. Termination of his service is in violation of Section 25-F,N of ID Act. Para 507, 524 of Sastry Award. The policy of last come first go was not followed. Thereby 2nd party violated Section 25-G of ID Act. After termination of his service, 2nd party engaged other daily wage employees. Workman was not engaged thereby 2nd party violated Section 25 H of ID Act. On such grounds, Ist party prayed for reinstatement with backwages.

3. 2nd party filed Written Statement at Page 9/1 to 9/4 opposing claim of workman. 2nd party submits that reference is not tenable as Ist party was never appointed following recruitment rules. there was no question of termination of his services or payment of arrears of salary, DA, Bonus etc. 2nd party recruits employees following recruitment rules and reservation policy for SC ST Ex Serviceman. If claim of workman is accepted, it will amount to back door entry in private employment which is prohibited by Hon'ble Apex Court in various judgments. That Union is not existing in the Bank. Union has no locus to raise the dispute. Ist party workman was casually engaged on daily wage basis against leave vacancy of permanent staff. It is denied that workman completed 240 days continuous service. It is denied that workman was paid bonus. Workman was paid wages for his working days. Claim of workman is devoid of merit. 2nd party has not committed violation of law. On such ground, 2nd party prays for pass award in its favour.

4. Ist party workman filed rejoinder at Page 10/1 to 10/2 reiterating his contentions in statement of claim.

5. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons below:-

(i) Whether the action of the management of Bank of India in terminating the services of Shri Tejprakash Choudhary w.e.f. 1-12-98 and not regularizing him after completion of 240 days in a calendar year is justified?	In Affirmative
(ii) If not, what relief the workman is entitled to?"	Workman is not entitled to any relief.

REASONS

6. Point No.1- Ist party workman is challenging his termination for violation of Section 25-F G of ID Act. He also alleged violation of Section 25 H of ID Act as respondent engaged other persons on daily wages after his termination and he was not engaged by 2nd party. Management submits that workman was engaged on casual basis, wages for his working days were paid. Workman has not completed 240 days service at any time.

7. Workman filed affidavit of his evidence supporting contentions in statement of claim. In his affidavit, workman says he was engaged as badli sepoy on scale wages on 1-6-86. On 8-5-87, names were called from Employment Exchange Shajapur for suitable candidates as badli peon. That he was not paid bonus for the year 1986 to 1990 though he was eligible for payment of bonus. On 1-12-98, his services were terminated without notice. Workman has shown details of his working days in Para-7 of his affidavit. In 1986- 9 days, in 1987- 98 days, 1988-39 days, in 1989- 96 days, in 1990-144 days, in 1991- 242 days, in 1992-247 days, in 1993 more than 240 days. He shown more than 240 days in the year 1994 to 1998. That his services were terminated without notice, retrenchment compensation was not paid to him. In his cross-examination, workman says on 1-1-1986, he was engaged as badli by Branch Manager. The post was not advertised. Panel list was prepared in 1987 calling names from Employment Exchange. At that time, his name was included at S1.No.4 of the panel list. The panel list was of 8-10 persons. Out of them, 4-5 persons were absorbed in service. Shri Hemraj was the person absorbed in service, he was unable to tell name of other person, panel list included badlis working prior to him. Initially his name was not sent through Employment Exchange. Branch Manager called him and engaged him in the Bank. He did not recollect his documents were produced in the case. In his further cross, workman says he worked on Sujalpur branch from 1-1-1986 to 1-12-1998. In absence of temporary employees, he was engaged. In few months, he was paid basic, HRA, DA. For some period, he was paid daily wages. He did not recollect payment of basic pay, what was rate of basic pay in 1991, he was unable to tell for how many days he worked in 1997, he was unable to tell working days during rest of the years but reiterates that he worked more than 240 days. Suggestion is denied that he did not work for more than 240 days during any of the year. The certificate was not issued by the Bank about his working more than 240 days.

8. Management filed affidavit of witness Shri R.L.Gurnani, Rajendra Kumar Nayak supporting contentions of 2nd party in Written Statement about the appointment are made in the Bank following recruitment rules. casual labours are engaged temporarily on daily wages. Workman not completed 240 days continuous service. Shri R.L.Gurnani in his cross says to which Bank Exhibit M- 1 relates, he could not say. He was working in Sujalpur branch during 1981 to 1990. He did not recollect whether workman was working during his period. Workman was not paid bonus during his tenure. He did not recollect whether workman was paid bonus for the year 1992 to 1997. For regular appointments, name are called from Employment Exchange. Recruitment process is carried by Regional Manager. He was unable to tell on what basis he has stated in his affidavit workman has not completed 240 days service.

9. Management's witness Shri Rajendra Nayak in his cross says during 1986 to 1997, he was not posted in Sujalpur branch. In the year 2000, he was posted at Sujalpur. He did not receive information from other Branch Manager working at Sujalpur. He claims ignorance whether register of payment of bonus is destroyed or it is available in the branch. The daily wage employees are engaged as per need. They are not continued for 240 days. He claims ignorance whether workman was paid scale wages.

10. The copies of documents produced by workman are denied by management. Workman has not adduced valid evidence to prove the documents relied by him. Exhibit M-1 is circular dated 31-12-90 pertaining to recruitment of subordinate staff. Para 2 of Exhibit M-1 is clear that the vacancies in subordinate staff, it is not obligatory on part of public sector establishments to notify vacancies in the subordinate staff cadre to the Employment Exchanges, but such vacancies irrespective of the nature and duration, should be filled in from the candidates sponsored by the Employment Exchange Authorities. The vacancies are to be notified irrespective of the nature of duration. Workman has not

produced documents about payment of salary, payment of bonus to him. Workman has not examined any co-employee in support of his claim that he worked more than 240 days prior to 12 calendar months preceding his termination. The evidence of workman is in the nature of self declaration without any corroboration.

11. Learned counsel for 2nd party Shri A.K.Shashi submits that in his pleading and evidence, workman has stated that he was engaged as badli. The status of badli employee is that badli doesnot hold any post. In support of above argument, reliance is placed on ratio held in

Case of Karnataka State Road Transport Corporation and another versus S.G.Kotturappa and another reported in 2005(2)SCC-406. Their Lordship dealing with badli workers held their service if found not suitable can be discontinued. Badli enjoys no status, his service not protected by any statute, holds no civil post.

In case of Bangalore Mewtropolitan Transport Corp. Versus T.V.Anandappa reported in 2009(17)SCC-473. Their Lordship dealing with casual labour/ daily wager/ temporary employee – Badli worker, held protection under ID Act held not available. The reference made to Labour Court was itself competent and it should not have adjudicated dispute.

In case of Binod Kumar Gupta and others versus Ram Ashray Mahoto and others reported in 2005(4)SCC-209. Their Lordship dealing with recruitment process of Class IV civil court employees. Lack of bonafides and transparency no selection procedure and norms followed. Their Lordship held merely because appellants were working in the post of last 15 years they cannot be allowed to continue in service.

The facts of present case are not comparable. Ist party workman was not engaged following any kind of recruitment process. The documents about his name sponsored through Employment Exchange and name of workman was included in the panel list are not produced. Therefore ratio held in the case cannot be beneficially applied to case at hand.

In case of Indian Drugs and Pharmaceuticals Ltd versus workmen of Indian Drugs and Pharmaceuticals Ltd reported in 2007(1)SCC-408. Their Lordship dealing with public employment and Articles 16,14 & 309 of the constitution held that creation of posts, appointment of post, fixation of pay scales, promotions etc. are the functions of executive or legislative and it is highly improper for judges to step into this post where none exists nor issue directions to absorb or regularize regular employees.

In case of Surendranagar District Panchayat versus Dahyabhai Amarsingh reported in 2005(8)SCC-750. Their Lordship dealing with Section 25-F,B held courts below have wrongly drawn the adverse inference to scope of enquiry before Labour Court was confined to only 12 months preceding the date of termination to decide question of continuation of service for purpose of Section 25 F of ID Act. For violation of Section 25-F of ID Act, facts must be proved to claim relief from court held facts to claim protection of Section 25-F are that (i) there exists relationship of employer and employee, (ii) he is a workman under Section 2(s) of ID Act. The establishment in which he is employed is an Industry. That he has put in not less than one year continuous service.

In present case, the evidence of Ist party workman that he completed more than 240 days continuous service is not corroborated by any co-employee, no documentary evidence is produced by workman. The evidence of workman about completing more than 240 days service is not acceptable therefore I termination of his service in violation of Section 25-F of ID Act is not established from evidence on record. For above reasons, I record my finding in Point No.1 in Affirmative.

12. In the result, award is passed as under:-

- (1) The action of management in terminating the services of Shri Tejprakash Choudhary w.e.f. 1-12-98 is proper and legal.
- (2) Workman is not entitled to any relief.

R. B. PATLE, Presiding Officer

नई दिल्ली, 17 मई, 2016

का.आ. 1007.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक आँफ महाराष्ट्र के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुवंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ सं. 58/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.05.2016 को प्राप्त हुआ था।

[सं. एल-12011/30/2011-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 17th May, 2016

S.O. 1007.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 58/2012) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the management of Bank of Maharashtra and their workmen, received by the Central Government on 17.05.2016.

[No. L-12011/30/2011-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR NO. CGIT/LC/R/58/2012

General Secretary,
Dainik Vetal Bhogi Bank Karamchari Sangathan,
Central Office, F-1, Karmbhoomi,
Tripti Vihar, Opp. Engineering College,
Ujjain

...Workman/Union

Versus

General Manager,
Bank of Maharashtra, Head Office,
Lokmangal, 1501, Shivaji Nagar,
Pune

...Management

AWARD

Passed on this 1st day of March 2016

1. As per letter dated 18-25/4/2012 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-12011/30/2011-IR(B-II). The dispute under reference relates to:

“Whether the applicant Shri Ashok Soni is entitled for pay scale as per the 5th, 6th and 7th Bipartite Settlement between the Union and the management of Bank of Maharashtra? If so, what relief he is entitled to?”

2. After receiving reference, notices were issued to the parties. Workman submitted statement of claim through General Secretary, Daily Wage Employees Union. Case of Ist party workman is that he was engaged as sub staff peon from January 96. He was working from opening till closing of the Bank. He worked 8 hours every day. He worked more than 240 days during each of the year. He was paid wages Rs.50 per day. After he claimed bonus and regularization, his services were terminated without notice, he was not paid retrenchment compensation. He challenged termination of his service in R/17/05 which is pending. He claims difference as per pay scales as per bipartite settlement 6 to 8. That the violation of settlement is punishable under Section 29 of ID Act. That State Bank of India, Karur Vaishya Bank, Bank of Maharashtra have paid arrears of scale pay to its employees. On such ground, he is praying for difference of pay scales with interest.

3. Management filed Written Statement opposing claim of workman. Preliminary objection is raised by 2nd party that workman has challenged termination in R/17/05 which is pending. The present reference involves same question whether workman is entitled for regularization. The reference is premature. 2nd party submits that workman was engaged as per exigencies temporarily on daily wages. He was paid Rs.50 per day. Workman did not work for any day in January 1996. It is denied that workman was working 8 hours per day. It is denied that he completed more than 240 days during any of the year. As R/17/05 is pending, present reference is not tenable, it is premature. Workman is not entitled to scale wages as he is not regular employee of the Bank.

4. Case No, R/58/12 is merged with present reference as dispute under reference is identical.

5. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the applicant Shri Ashok Soni is entitled for pay scale as per the 5 th , 6 th and 7 th Bipartite Settlement between the Union and the management of Bank of Maharashtra?	In Negative
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(ii) If not, what relief the workman is entitled to?"	Workman is not entitled to any relief.
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REASONS

6. As per terms of reference, question for consideration is whether Ist party is entitled to pay scale as per 5th to 7th bipartite settlement. Management has denied claim of Ist party workman. Exhibit M-1 produced by management shows payment of wages made to Ist party workman from 1-4-96 till 8-11-04 at different rates.

7. Representative of Ist party Shri Ram Nagwanshi on 7-4-2015 submitted that he doesnot want to adduce evidence.

8. Management's witness Shri Padam Singh filed affidavit of his evidence supporting contentions in Written Statement filed by management. That bipartite settlement are applicable to regular employees. Ist party workman owas not appointed by the Bank. He is not given benefit of pay scale under Bipartite Settlement. That R/17/05 is rejected on 26-11-13. In his cross-examination, management's witness says before engaging workman on work, selection process was not followed, permission of Controlling Authority was taken, appointment letter was not issued to him. The area of branch office is 1000 sq.ft. One post of Daftary and part time sweeper were sanctioned. He was not posted in Rajul branch during 1991 to 1997. He had not taken information from earlier Branch Managers. He claims ignorance whether workman was paid bonus.

9. Ist party has not produced any bipartite settlement allowing benefit of pay scale to the casual badly temporary employee therefore I record my finding in Point No.1 in Negative.

10. In the result, award is passed as under:-

- (1) The workman is not entitled to pay scale as per 5th to 7th bipartite settlement.
- (2) Workman is not entitled to any relief.

R. B. PATLE, Presiding Officer

नई दिल्ली, 17 मई, 2016

का.आ. 1008.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार युको बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ सं. 2/05) को प्रकाशित करती है जो केन्द्रीय सरकार को 17.05.2016 को प्राप्त हुआ था।

[सं. एल-12012/150/2004-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 17th May, 2016

S.O. 1008.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 2/05) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the management of UCO Bank and their workmen, received by the Central Government on 17.05.2016.

[No. L-12012/150/2004-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR NO. CGIT/LC/R/2/05

Shri Prem Prakash Rathore,
S/o Shri Babul Rathore,
R/o Madhoganj, Fharas Pali Gali,
Lashkar, Gwalior

...Workman

Versus

Divisional Manager,
UCO Bank, Zone-2,
269/270, Maharana Pratap Nagar,
Bhopal MP)

...Management

AWARD

Passed on this 4th day of March, 2016

1. As per letter dated 23-11-04 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-12012/150/2004-IR(B-II). The dispute under reference relates to:

“Whether the action of the management of UCO Bank in terminating the services of Shri Prem Kumar Rathore w.e.f. 5-5-97 is legal and justified? If not, what relief is the concerned workman entitled to?”

2. After receiving reference, notices were issued to the parties. Workman submitted statement of claim. Case of Ist party workman is that he was engaged as peon on 31-7-89, he was paid wages Rs. 70 per day. He was continuously working till 4-5-97 for a period of 7 years 9 months and 4 days. His services are terminated without notice. Retrenchment compensation, gratuity amount was not paid to him. His services are terminated in violation of Section 25-F of ID Act. He filed Writ Petition No. 133/97 in MP High Court Gwalior bench. He availed remedy under ID Act. On such ground, workman prays for his reinstatement with backwages.

3. 2nd party filed Written Statement at Page 5/1 to 5/4 opposing claim of workman. 2nd party raised preliminary objection that the workman was orally engaged by Branch Manager on daily wages as casual labour the understanding was given to the workman that his engagement would end on each of the day. There was no vacancy in subordinate cadre. Workman is not covered under Section 2(s) of ID Act. His disengagement doesnot amount to retrenchment. 2nd party reiterates that the engagement of Ist party was for casual nature of work. Workman was not appointed through Employment Exchange, post was not advertised. 2nd party denies that workman was continuously working for 7 years 9 months 4 days. That disengagement of workman is not in violation of provisions of ID Act. Workman is not an employee. On such ground, 2nd party prays that the reference be answered in its favour.

4. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the action of the management of UCO Bank in terminating the services of Shri Prem Kumar Rathore w.e.f. 5-5-97 is legal and justified?	In Affirmative
(ii) If not, what relief the workman is entitled to?”	Workman is not entitled to any relief.

REASONS

5. Point No.1- workman filed affidavit of his evidence supporting his contentions in statement of claim that he was appointed as peon on 31-7-79. He was paid Rs.70/- per day. He continuously worked till 4-7-97. He was terminated without notice he was not paid retrenchment compensation or gratuity. In his cross-examination, workman says his affidavit was prepared by his Advocate. Prior to his appointment, post was not advertised, he was working on daily wages. He produced document about bonus. He was orally terminated.

6. Management filed affidavit of witness Shri Suresh Kumar Sharma supporting contentions of management in Written Statement. That workman was never employed in sub staff cadre. There was no vacancy. Workman had not submitted particulars of his educational qualification. Workman was not appointed following recruitment policy. Workman did not work more than 240 days preceding 12 months of his termination. The evidence of management's witness remained unchallenged as the witness of management was not cross-examined.

7. Workman has not produced any document, any co-worker is not examined in support of his claim. The evidence of management's witness is not challenged. Workman has failed to prove that he was continuously working more than 240 days preceding 12 months of his termination. Violation of Section 25-F is not established. Therefore I record my finding in Point No.1 in Affirmative.

8. In the result, award is passed as under:-

- (1) The action of the management of UCO Bank in terminating the services of Shri Prem Kumar Rathore w.e.f. 5-5-97 is proper and legal.
- (2) Workman is not entitled to any relief.

R. B. PATLE, Presiding Officer

नई दिल्ली, 17 मई, 2016

का.आ.1009.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार देना बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ सं. 11/98) को प्रकाशित करती है जो केन्द्रीय सरकार को 17.05.2016 को प्राप्त हुआ था।

[सं. एल-12012/180/97-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 17th May, 2016

S.O. 1009.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 11/98) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the management of Dena Bank and their workmen, received by the Central Government on 17.05.2016.

[No. L-12012/180/97-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR NO. CGIT/LC/R/11/98

Indian National Bank Employees Federation,
9, Sanwer Road, Hardev Niwas,
Ujjain

...Workman/Union

Versus

Branch Manager,
Dena Bank,
Nawlkha Choraya,
Bombay-Agra Road,
Indore

...Management

AWARD

Passed on this 26th day of February, 2016

1. As per letter dated 13-1-98 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-12012/180/97/IR(B-II). The dispute under reference relates to:

“Whether the action of the management of Dena Bank, Indore in terminating the services of Shri Arun Kumar Vitvekar w.e.f. 8-2-96 is legal and justified? If not, to what relief the said workman is entitled?”

2. After receiving reference, notices were issued to the parties. Workman submitted statement of claim through Dainik Vetan Bhogi Bank Karmchari Sangathan at Page 2/1 to 2/4. Case of Ist party workman is that in the year 1989, the Regional Office of Dena Bank called names from Employment Exchange for appointment as peon. His name was sponsored through Employment Exchange. He was called for interview on 24-4-89. The workman was interviewed. His name was at Sl.No.1 of panel list. As per letter dated 11-3-90, workman was informed that his name was in panel list as badly employee. From 15-3-90, workman was engaged as cleaner cum sweeper at Seetalamata bazar branch. Thereafter he worked at Navlakha branch, Siyaganj branch on his transfer. In January 93, new branch opened at Sanver Road. Workman was transferred to said branch. He worked with devotion. He was doing work of cleaning, sweeping during 8 to 10 AM and he was doing work of regular peon from 10.30 AM to 6 PM. He was doing different work as peon. His claim for bonus was not accepted. The dispute raised by him was pending. That sShri Mukesh and Shri Narendra Malviya were continued in service. His services were terminated from 0-4-96. Workman reiterates that he had completed more than 240 days continuous service during each of the year. He acquired status of employee under Section 25 B of ID Act. His services were terminated in violation of Sastri Award, he was not paid retrenchment compensation, policy of first come last go was not followed. He was not allowed to work in violation of Section 25 H of ID Act. On such contentions, workman prays for his reinstatement with backwages.

3. 2nd party filed Written Statement at Pages 5/1 to 5/7 opposing claim of workman. 2nd party denies that workman was terminated in 1996 or he is unemployed. The workman did not work in Shitla Mata branch as cleaner cum peon. He was not appointed in above branch. Workman was engaged for cleaning sweeping work temporarily. Workman had not completed 240 days continuous service. He is not covered as employee under Section 25(B) of ID Act. Whenever workman was engaged for cleaning, sweeping work, he was paid wages as per local rates. Workman did not work 8-10 AM as sweeper and 11 to 6 as regular peon. Violation of Section 25-G,H of ID Act is denied. 2nd party prays that workman is not entitled to any relief. His claim deserves to be rejected.

4. Ist party filed rejoinder at page 6/1 to 6/5 reiterating his contentions in statement of claim.

5. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the action of the management of Dena Bank, Indore in terminating the services of Shri Arun Kumar Vitvekar w.e.f. 8-2-96 is legal and justified?	In Negative
(ii) If not, what relief the workman is entitled to?"	As per final order

REASONS

6. Ist party workman is challenging termination of his service for violation of Section 25-F,G,H of ID Act. Claim of workman is denied by management.

7. Workman filed affidavit of his evidence. Workman says he was called for interview on 24-4-89. After interview, his name was included at Sl.No.1 of panel list. Whenever regular sub staff was proceeding on leave, his name was included in the panel list as badli. His affidavit is further devoted on the point that he worked in Shitla Mata branch Sanver Road branch, he was working in said branch. He had raised dispute for payment of bonus. His services were terminated from 10-4-96. During pendency of conciliation proceeding, his services were terminated. Shri Mukesh and Narendra were continued in service. In his cross-examination, workman says he had received appointment letter in writing. It is produced on record. He was engaged on daily wages by Branch Manager. After termination of his services, Narendra was appointed. He was working in Parasia branch. His name was included in the panel list as casual labour. One person was given appointment from said list Shri Mukesh Malviya Mukesh was engaged prior to him.

8. Management filed affidavit of witness Dr. Sandeep Kumar Shrivastava. The witness of management has stated that workman was engaged for broken period from 30-11-91 to 1-4-96. In his cross-examination, management's witness says from 15-3-90 to 10-4-96, he was not posted in Sitalmata branch, Navlakha branch, Siyaganj branch, Sanver Road branch and Regional Office. Workman was engaged for broken period from 30-11-91 to 11-4-96 remained unchallenged. In his evidence, workman was not continuously engaged, he did not continuously worked for 240 days also remained unchallenged. The evidence of workman is not corroborated by any documents that he completed 240 days continuous service.

9. During course of argument, learned counsel for management Shri A.K.Shashi pointed out my attention that his engagement was as badli as per Para-6 of the statement of claim, para 4 of his affidavit of evidence. Workman was paid Gratuity Rs.19,692/- as per letter dated 11-5-02. Copy of Banker's cheque is enclosed along with said letter. The appeal preferred by 2nd party has been dismissed. Above facts are not in dispute between parties. The documents are on record. Considering Section 4 of Payment of Gratuity Act, the employee is eligible for payment of gratuity on completion of service not less than 5 years which corroborates evidence of workman that he was in continuous service. Management's witness in his cross-examination says workman was not served with notice, retrenchment compensation was not paid to him. The termination of workman is illegal for violation of Section 25-F of ID Act.

10. Shri A.K.Shashi on the point relies on ratio held in

Case of Post Master General Kolkata versus Tutu Das reported in 2007(5)SCC-317. Their Lordship dealing with claim for regularization to similarly situated person held same doesnot create an entitlement to regularization on ground of equal treatment. Their Lordship further held completion of 240 days is irrelevant.

In case between Bangalore Metropolitan Transport Corporation versus T.V.Anandappa reported in 2009(17)SCCF-473. Their Lordship dealing with casual labour, daily wager, badli worker held reference made to Labour Court was itself incompetent and should not have adjudicated the dispute. The reference made to Labour Court was incompetent.

The facts of above cited case are different as para-2 of the judgment clearly shows that respondent was appointed as badli conductor and disciplinary enquiry was conducted against him with regard to his unauthorized absence from duty. The facts of present case are different. Ratio held in cannot be beneficially applied to case at hand. Evidence of workman is corroborated by payment of gratuity for 5 years. His services are terminated without notice, retrenchment compensation was not paid to him. Therefore his termination is illegal for violation of Section 25(f) of ID Act. Therefore I record my finding in Point No.1 in Negative.

11. Point No.2- Termination of work is found illegal for violation of Section 25-F of ID Act. Workman was paid Gratuity of Rs.19,692/- for 5 years service. Considering workman was engaged as badly, he was not appointed following recruitment process, the claim of workman for reinstatement cannot be accepted. Considering the working period of 1st party workman, compensation Rs.75,000 would be appropriate.

12. In the result, award is passed as under:-

- (1) The action of the management of Dena Bank, Indore in terminating the services of Shri Arun Kumar Vitvekar w.e.f. 8-2-96 is not legal and proper.
- (2) 2nd party management is directed to pay compensation Rs. 75,000/- to the workman .

Amount as per above order shall be paid to workman within 30 days from the date of notification of award. In case of default, amount shall carry 9 % interest per annum from the date of award till its realization.

R. B. PATLE, Presiding Officer

नई दिल्ली, 17 मई, 2016

का.आ. 1010.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ सं. 14/2009) को प्रकाशित करती है जो केन्द्रीय सरकार को 17.05.2016 को प्राप्त हुआ था।

[सं. एल-12011/116/2008-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 17th May, 2016

S.O. 1010.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 14/2009) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the management of Bank of India and their workmen, received by the Central Government on 17.05.2016.

[No. L-12011/116/2008-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR NO. CGIT/LC/R/14/2009

General Secretary,
Rashtriya Karmchari Sangathan,
F-1, Tripti Vihar, Opp Engineering College,
Sanwer Road, Ujjain

...Workman/Union

Versus

Zonal Manager,
Bank of India,
Zonal Office,
Ujjain (MP)

...Management

AWARD

Passed on this 26th day of February, 2016

1. As per letter dated 6-2-09 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-12011/116/2008-IR(B-II). The dispute under reference relates to:

“Whether the action of the management of Zonal Manager, Bank of India, Zonal Office, Ujjain in issuing orders for dismissal from service to Shri Darbariulal Vishwakarma, Part time Safaikarmi w.e.f. 7-3-07 is justified? To what relief the workman is entitled to?”

2. After receiving reference, notices were issued to the parties. Ist party workman submitted statement of claim at Pages 3/1 to 3/5. Case of Ist party is that Annexure-I submitted to Appellate Authority be treated as part and parcel of statement of claim. Document submitted with Annexure I be taken into consideration. Letter dated 28-4-07 Annexure II and application submitted to ALC Annexure-III, reply submitted by management Annexure-IV, V also be considered. Workman submits that he was dismissed from service considering he was convicted in Criminal Case No. 224/04 as per judgment and order dated 6-11-06. He had challenged his conviction filing appeal No. 491/06 before Additional Session Judge, Ujjain. The appeal was partly allowed. He filed appeal No. 991 before Hon'ble High Court Indore Bench the appeal is pending. Those aspects were not considered while passing order of his dismissal by the authority. Workman submits that he is falsely implicated under conspiracy fabricating the documents. The order of his dismissal deserves to be quashed. The Disciplinary Authority issued order of his dismissal without application of mind. The so called alleged ATM Cards were stolen was basis for his dismissal. The ATM Card were sent to branch on 10-3-05. Prior to it, amount was withdrawn from it on 17-4-04. The workman had no concern with the ATM Cards. Workman claims to be innocent, he is convicted appreciating evidence and relevant record. That appeal preferred by him is pending before Hon'ble High Court. Workman prays for setting aside order of his dismissal and reinstate him in service. That he was dismissed without enquiry or issuing any chargesheet. The order of dismissal is illegal.

3. 2nd party filed Written Statement at Pages 11/1 to 11/7 opposing claim of workman. As per 2nd party, workman was initially appointed as part time sweeper(1/3rd) by Chief Regional Manager Ujjain Region. There are 7 branches, one District Manager's office, one extension office. In case of exigencies, subordinate staff are liable for transfer as per requirement of their service. Ist party workman was initially appointed as Khedakhajura branch Ujjain. He reported for duty on 2-12-99 on probation of six months. Probation period could be extended. His service could be terminated without notice or assigning any reasons as per order dated 3-4-03, workman reported on duty at Khedakhajura branch. On 7-4-03, his temporary transfer was extended for 3 months. Workman was required to work full time in extension counter. He was paid full wages. In extension counter, one clerk and one sub staff were working. There was no other person working in the branch for work of sub staff.

4. Facility of ATM was provided to the account holders on request for ATM Card. The Head Office used to arrange issues of ATM Card PIN, the cards were sent directly, PIN Mailers were sent to the respective branches. The PIN Mailers are then handed over to the concerned Account holder/ customer. The customer has to personally collect the PIN Mailer from the officer concerned to the Bank. Unless the ATM Card is inserted in the ATM Machine and the PIN entered, the ATM wouldnot work. The complaint was received at Kothi Palace Extension counter from Shri Kunwarlal Keharia that amount of Rs.10,700/- was withdrawn from his Account without his knowledge. Immediately incharge of extension counter verified the ATM Cards, PIN Mailer kept in the drawer of the table of the Incharge of the Extension counter and found that 11 ATM Cards and 8 Pin Mailers are missing the unauthorized withdrawal in several accounts was also found. The matter was immediately reported to Zonal Office. It was decided to file FIR the local police. The details of unauthorized withdrawal of amount is shown in Para-6. Rs.10500/- from Account of Shri Pramod Sharma, Rs.14,500 from Account of Shri Manoj Ranchhodlal, Rs.800/- from account of Shri Kapil Vishwas, Rs.15000/- from account of Smt. Sunita Ranchhodlal, Rs. 21,000 from account of Shri Rashid Mansoori, Rs.10700/- from account of ShriKunwarlal Keharia, Rs.800 from account of Shri Peer Singh, Rs.77300/- from account of Shri Sandeep Singh. Workman was prosecuted in Criminal Case No. 224/2004 . Under Section 380 IPC workman was sentenced with 3 years rigorous imprisonment with fine of Rs.3000/. Under Section 201 IPC, he was sentenced two years rigorous imprisonment and fine of Rs.1000/. Workman filed criminal appeal No. 491/06. The Appellate Court upheld imprisonment for 3 years along with fine and remaining punishment was set aside by giving benefit of doubt to the accused workman. Show-cause notice was issued to workman on 15-1-07. Workman submitted representation on 3-2-07. Workman was given personal hearing. Considering workman was convicted for offence involving moral turpitude, punishment of dismissal was imposed. It is reiterated that Bank is carrying banking business on confidence of the Bank, Bank was committed on offence of moral turpitude. The dismissal of workman is proper. It was not required to issue charge sheet and conduct special enquiry. On such ground, 2nd party prays for rejection of claim.

5. Ist party workman filed rejoinder at Pages 12/1 to 12/3 reiterating his contentions in statement of claim.

6. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the action of the management of Zonal Manager, Bank of India, Zonal Office, Ujjain in issuing orders for dismissal from service to Shri	In Affirmative
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Darbariulal Vishwakarma, Part time Safaikarmi w.e.f. 7-3-07 is justified?	
(ii) If not, what relief the workman is entitled to?"	Workman is not entitled to any relief.

REASONS

7. Parties are not in dispute that workman was convicted for offence under Section 380 & 201 of IPC. Under Section 380 IPC workman was sentenced with 3 years rigorous imprisonment with fine of Rs.3000/- Under Section 201 IPC, he was sentenced two years rigorous imprisonment and fine of Rs.1000/. Workman filed criminal appeal No. 491/06. Copy of judgment by JMFC Ujjain and 3rd Addnl Session Judge are produced.

8. Workman filed affidavit of his evidence covering his contentions in statement of claim. That since 3-12-99, he was working as part time sweeper at Khedakhajuria branch. He was dismissed on 6-11-06 without issuing chargesheet or conducting enquiry. He was not served with notice of termination, retrenchment compensation was not paid to him. So that incharge Shri R.M.Prasad was concerned with the alleged theft from ATM, punishment of withholding two increments was imposed. His affidavit is further devoted on the point that the evidence on record establishes his innocence. He is not concerned with the alleged theft of withdrawal of amount from ATM. In his cross, workman says on 3-12-99, he was appointed as sweeper, he was kept on probation for six months. Appointment letter are produced at Exhibit M-1 to M-10. He was sent to Sethi Nagar branch for 3 months. Again workman says that he was sent to ADM office and not to Sethi Nagar branch. Exhibit W-8 is copy of judgment of Criminal Court. He has preferred appeal against judgment. The copies are marked Exhibit W-8, M-4 respectively. Show-cause notice issued to him. He given reply to showcause notice workman was called for personal hearing. Reply to showcause notice is marked Exhibit M-11. Zerox copies of payment vouchers are not proved by valid evidence.

9. Management filed affidavit of evidence of Shri Ashok Kumar Pathak supporting contentions of the management. That workman was prosecuted and convicted by Criminal Court for withdrawal of amount from ATM. Management's witness in his cross-examination says he doesnot know detailed address of workman. After conviction of workman, showcause notice was issued to him. Separate enquiry was not conducted against workman. Management's witness claimed ignorance about difference in show-cause notice and Enquiry Proceedings. However he admits that chargesheet was not issued to workman. After workman was convicted by Court, his services were dismissed. The witness was unable to tell how much amount was stolen from ATM. The workman has preferred criminal appeal in High Court Indore bench is not in serious dispute. The copy of appeal memo is produced on record P-8. The copy of FIC and copies of judgment by Criminal Court and 3rd Additional Session Judge are produced on record. In appeal, the punishment for offence under Section 201 IPC has been set-aside. Punishment for offence under Section 380 is confirmed. Exhibit W-1 is copy of order of reference, W-2 is copy of application submitted by workman before RL. W-3 is suspension order, W-4 is order of dismissal, W-5 is order of suspension. W-6,7 are copies of FIR submitted to police. Exhibit W-8 is information received by workman under RTI Act in view of conviction of workman is not in dispute. Above documents are not useful for deciding controversy between parties.

10. Learned counsel for 2nd party submitted copy of Bipartite Settlement dated 10-4-02. Clause 3(a) provides-

3(a) "When in the opinion of the management, an employee has committed an offence, unless he be otherwise prosecuted, the Bank may take steps to prosecute him or get him prosecuted and in such a case he may also be suspended.

(b) If he be convicted, he may be dismissed w.e.f. the date of his conviction or be given any lesser form of punishment as mentioned in clause-6 below.

Under Clause5, By the expression "Gross Misconduct" is defined. Clause(s) covers conviction by a criminal Court of law for an offence involving moral turpitude.

Workman was convicted for offence under Section 380 of IPC. It is gross misconduct. As per clause 3(b), if the employee is convicted, he is liable to be dismissed. It is clear from above provisions of Bipartite Settlement that in case employee is convicted, separate charge sheet is not required to be issued. No departmental enquiry is contemplated. The evidence on record is clear that workman was issued show-cause notice. Workman given reply to the notice. Personal hearing was also given to the workman. Merely on the ground that revision petition is filed by workman in High Court, it cannot be a ground for setting aside the dismissal. If workman is so curious about decision of criminal revision filed by him in Hon'ble High Court, workman could have waited till its decision. In such circumstances, the reference could be said premature but the circumstances doesnot warrant. Interference in the order of dismissal of workman as he was convicted for offence under Section 380 of IPC confirmed in the appeal. Copy of extract of Banking Regulation Act 1949 produced on

Clause 10 prohibits Employment of Managing Agents and restrictions on certain forms of employment. (1) No banking company (a) shall employ or be managed by a Managing Agent or (b) shall employ or continue the employment of any person- (i) who is or at any time has been adjudicated insolvent or has suspended payment or has compounded with his creditors or who is or has been convicted by a criminal court of an offence involving moral turpitude.

The detailed written notes submitted by counsel for workman are silent w.r.t. clause 3 a,b of Bipartite Settlement and Section 10 of Banking Regulation Act, 1949.

11. Learned counsel has produced copies of documents which are already on record. Learned counsel for Ist party workman Shri Kamal Yadav relies on ratio held in

Case of Commissioner of Police, New Delhi versus Narender Singh reported in SC Law Journal. Their Lordship held that law is well settled that if any employee is acquitted of a criminal charge, same by itself would not be ground not to initiate a departmental proceeding against him. That standard of proof required in both proceedings are distinct and different.

The principles laid down by their Lordship cannot be compared with the case at hand as Ist party is convicted under Section 380 IPC and per clause 3-a,b of Bipartite Settlement, workman has been dismissed. For above reasons, I record my finding in Point No.1 in Affirmative.

12. In the result, award is passed as under:-

- (1) The action of the management is proper and legal.
- (2) Workman is not entitled to any relief.

R. B. PATLE, Presiding Officer

नई दिल्ली, 17 मई, 2016

का.आ. 1011.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ सं. 43/2010) को प्रकाशित करती है जो केन्द्रीय सरकार को 17.05.2016 को प्राप्त हुआ था।

[सं. एल-12011/24/2010-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 17th May, 2016

S.O. 1011.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 43/2010) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the management of Bank of India and their workmen, received by the Central Government on 17.05.2016.

[No. L-12011/24/2010-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR NO. CGIT/LC/R/43/2010

General Secretary,
Dainik Vetal Bhogi Bank Karmchari Sangathan,
F-1., Tripti Vihar, Opp.Engineering College,
Ujjain

...Workman/Union

Versus

Branch Manager,
Bank of India,
Chipywa Branch,
Shajapur Distt.

...Management

AWARD

Passed on this 26th day of February 2016

1. As per letter dated 8-9-2010 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-12011/24/2010-IR(B-II). The dispute under reference relates to:

“Whether Shri Lalchandra Chouhan, Badliu Sepoy is entitled for payment of difference of wages w.e.f. 20-98-06 to 5-5-08 as per Bipartite Settlements? What relief, he is entitled to?”

2. After receiving reference, notices were issued to the parties. Statement of claim is submitted by General Secretary of Vetan Bhogi Bank Karmchari Sangathan on behalf of workman Lalchand Chouhan. Case of workman is that he was engaged by Chippy Branch Manager from 20-9-06. He was working 8 hours per day. He was continuously working more than 240 days during each of the year,. He was paid wages Rs.40, 45, 60, 100. The wages paid to him were reimbursed by Branch Manager. His services were terminated without notice in violation of Section 25-F of ID Act. He was continuously working from 20-9-06 to 12-7-08. He is eligible for wages as per 8th & 9th Bipartite Settlement. He was not paid wages as per above settlement. Violation of Settlement amounts to offence under Section 29 of ID Act. On such contentions, workman is claiming difference of wages as per 8th & 9th Bipartite Settlement.

3. 2nd party filed Written Statement opposing claim of Ist party workman. Preliminary objection is raised that reference is not tenable as Branch Manager is not Appointing or Disciplinary Authority. That competent authority is not impleaded. The reference suffers from misjoinder of parties. Union has no locus standi to raise the dispute. Any of the employees of Bank are not its member. The dispute is raised by Union without authority. The appropriate Government is also misinterpreted over looking the bipartite settlement, the terms of reference is prejudicial to interest of management. That workman is not covered under Section 2(s) of ID Act. As workman was not appointed following recruitment process calling his name through Employment Exchange holding interview etc. there is no employer employee relationship. Service conditions of employees working in the Banking industry are issued by Government of India time to time. Sastry Award and Desai Award are applicable. Workman was engaged intermittently for casual nature of work he was paid remuneration for the work performed. As workman was not appointed following recruitment process, he is not regular employee of the Bank. Workman is not entitled to wages as per bipartite settlement. On such ground, 2nd party prays for rejection of claim.

4. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether Shri Lalchandra Chouhan, Badliu Sepoy is entitled for payment of difference of wages w.e.f. 20-98-06 to 5-5-08 as per Bipartite Settlements?	In Negative
(ii) If not, what relief the workman is entitled to?”	Workman is not entitled to any relief.

REASONS

5. The term of reference pertains to claim for difference of wages as per 8th & 9th bipartite settlement. Workman filed affidavit of his evidence. In his affidavit, workman says he was engaged in Chippy branch from 29-9-06. He was terminated on 12-7-08. He is eligible for skilled wages for above said period. In his cross-examination, workman says he was engaged for cleaning sweeping work . He worked under Branch Manager Shri D.K.Poddar, S.N.Mehrotra his name was not sponsored through Employment Exchange. The post was not advertised, appointment letter was not given to him. He was paid once in a month for his working days. He denied that any other work was not extracted from him. From his evidence, documents Exhibit W-1 to W-6 are admitted in evidence pertains to the documents in respect of loan taken by different persons. In his cross-examination, workman says zerox copies were supplied to him to help him in getting regular job. When he was working for whole day, he was paid Rs.100. when he was working for 3-4 PM, he was paid Rs.60 per day. Workman was unable to tell how much amount he was paid during 2007-08, for how many days, he was paid Rs.100 per day, Rs.60/- per day.

6. Management's witness Shri Dilip Kumar Poddar filed affidavit of his evidence supporting contentions of management. In his cross-examination, management's witness says that before engagement of workman, selection process was not followed, permission of Controlling Authority was not taken. Workman was engaged for casual work as per exigencies. Record about his working was not maintained. Management's witness in his further cross examination says he was working in Chippy branch during 2006 to August 2007. Thereafter he was not posted in Chippy branch. The area of Chippy branch was 200 sq.ft. One post of Daftary and one post of sweeper was sanctioned.

Workman was paid Rs.70-80 per day for work he was engaged. Payment policy of the Bank is not produced. Document Exhibit W-2 was written by clerk Harishankar. Ist party workman has not produced Bipartite Settlement applicable to casual employees engaged on daily wages. Incidentally I may refer to ratio held by Shri A.K.Shashi, counsel for management in

Case of Indian Drugs and Pharmaceuticals Ltd. Versus Workmen of Indian Drugs and Pharmaceuticals Ltd reported in 2007(1)SCC-408. The ratio held in the case Article 21 cannot be stretched so far as to mean that everyone must be given a job. Article 41 has been deliberately kept by the Founding Fathers in the directive principles chapter and hence made unenforceable. Their Lordship also held that Court cannot create a post where none exists, nor issue directions to absorb or regularise temporary employees nor continue them in service nor pay them salaries of regular employees.

In case between State of Haryana and Surinder Kumar and others reported in 1998-2-LLJ-516. Their Lordship dealing with equal pay for equal work held that recruitment was not in accordance with rules, merely because posts were interchanged, daily wagers on contract basis could not become entitled to pay scale.

7. Ist party workman has not produced bipartite settlement applicable to daily wagers as such claim of Ist party workman for difference of wages on the basis of 8th & 9th Bipartite Settlement is not established. Therefore I record my finding in Point No.1 in Negative.

8. In the result, award is passed as under:-

- (1) The action of the management is not proper and legal.
- (2) Workman is not entitled to any relief.

R. B. PATLE, Presiding Officer

नई दिल्ली, 17 मई, 2016

का.आ. 1012.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ सं. 72/98) को प्रकाशित करती है जो केन्द्रीय सरकार को 17.05.2016 को प्राप्त हुआ था।

[सं. एल-12011/99/97-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 17th May, 2016

S.O. 1012.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 72/98) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the management of Bank of India and their workmen, received by the Central Government on 17.05.2016.

[No. L-12011/99/97-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR NO. CGIT/LC/R/72/98

Zonal Secretary,
Madhya Pradesh Bank Employees Association,
C/o Central Bank of India,
Bilaspur ... Workman/Union

Versus

Manager,
Bank of India,
Dayalband, Near MPEB Office,
Bilaspur (MP) ... Management

AWARD

Passed on this 16th day of March, 2016

1. As per letter dated 21-4-98 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-12011/99/97/IR(B-II). The dispute under reference relates to:

“Whether the action of the management of Bank of India in not regularizing the services of S/Shri Lachhan Kumar, Prakash Rao, Parasram Suryabansi, Arun Dewangan, Govind Pathak and Prakash Nandeshwar and instead contemplating substituting them with a fresh set of workmen, is legal and justified? If not, to what relief the said workmen are entitled and from what date?”

2. After receiving reference, notices were issued to the parties. The reference pertains to workmen Lachhan Kumar, Prakash Rao, Parasram Suryabansi, Arun Dewangan, Govind Pathak and Prakash Nandeshwar. The claim of Ist party workmen Prakash Rao, Parasram Suryabansi & Arun Dewangan are permitted to be withdrawn as per order dated 24-3-2015. The claim of Ist party workman Shri Lachhan Kumar and Govind Pathak is prosecuted. The statement of claim is filed at Page 1/1 to 1/7. Case of Ist party workman is that they were working with 2nd party continuously for 6-7 years prior to the charter of demand was submitted on 10-3-97. They were required to work minimum 8 hours similarly to the regular employees. He had worked for 240 days continuously during calendar year. They were denied regular status for one or other reasons. That at relevant time, six vacancies were in main branch and extension branch at Vyapar Vihar, Bilaspur. Instead of regularizing their services, management endeavour to terminate them to fill up the vacancies arising by calling candidates from Employment Exchange in violation of bipartite settlement. The Bipartite Settlement provides-

“While filling up permanent post, preference is to be given to the temporary employees of the Bank. The MP Bank Employees Association submitted charter of demand on 10-3-97 raising their grievance about denial of regularization to those workmen. The authority was requested to intervene for protecting their services from termination. 2nd party in order to avoid payment of regular pay scale and other benefits, regular status did not maintain the records of temporary employees. The employees are in possession of the record about continuously working more than 240 days. 2nd party Bank had submitted vague reply against charter of demand. The dispute is referred for adjudication.

3. Workman further submits that they are working on respective post continuously due to interference of the Competent Authority allowing status quo. That due to ill health of authorized person who also passed away, statement of claim could not be submitted earlier. Ist party workman reiterates that 2nd party committed error by not regularizing them in service as peon against existing vacancies. 2nd party made efforts to fill the vacant post calling candidates belonging to ST category from Employment Exchange dehors the rules. The workman further contends that there is settled law that temporary employee who holds requisite qualification and has served the institution for long and working conditions are almost at par with that of a regular employee, the employer should regularize the services of such employees. The ratio held by Apex Court in case of Jacob M. Puthuparambil and others versus Kerala Water Authority and others is quoted. That appointment under Rule-9(a)(i) are intended to serve emergent situations which could not brook delay. Such appointments were intended to be stop gap temporary appointments to serve the stated purpose and not long term ones. Once the appointments continued for long, the services had to be regularized. It is unfair and unreasonable to remove people who have been rendering service since sometime as such removal has serious consequences. The family of the employee which has settled down and accommodated its needs to be emoluments received by bread winner will face economic ruination if the job is suddenly taken away. On such ground, Ist party workman prays for regularization of their services and to direct 2nd party management not to terminate their services.

4. 2nd party filed Written Statement at Page 12/1 to 12/6 opposing claim of workman. Preliminary objection is raised that in terms of reference, names of Lachhan Ram and others are mentioned. In statement of claim, names of Shri Lachhan Ram Barve and Parasram Kevra have been included. Their names are not appearing in the order of reference therefore the reference is not tenable. That Ist party workman submitted after gap of 5 ½ years without justifying delay. Their claim deserves to be dismissed. That the Ist party claimants have not revealed details of their appointment, employment in service of the Bank like their appointment, designation or post. In absence of the basic details, claim for regularization is not tenable. 2nd party submits that Ist party are not covered as workman under Section 2(s) of ID Act. As the defence of workman doesnot include casual labour, Ist party were never appointed against any post in the Bank. Their claim is not tenable. The recruitment in Bank is covered by policy approved. Person seeking employment in Bank has to go through the procedure for regular appointment. Ist party workman are trying to get employment in Bank through back door. 2nd party has referred to ratio held in various cases that daily wager has no right to hold post. His appointment is subject to availability of work. They accepted engagement on daily wage basis with open eyes. They cannot have any grievance about disengagement of casual engagement. Casual engagement depends on circumstances such as exchange of work or requirement in absence of regular employee. That Branch

Manager is not competent to appointment in staff. The powers to appointment are with Regional Managers. The payment of remuneration for work was made by Branch Manager in his personal capacity. He was reimbursed with said amount. Ist party workman were not appointed by Competent Authority, they had not worked continuously for 240 days in a year. 2nd party denies that Ist party workman were continuously working for 6-7 years prior to charter of demand was submitted. That clause 18.4 of Bipartite Settlement dated 10-4-89 provides- preference will be given to part time employees drawing skilled wages in killing full time vacancies. The Ist party claimants were not appointed as full time or part time employees. They are not entitled to get benefit of bipartite settlement. That Branch Manager can engage services of any person intermittently for casual nature of work. 2nd party denies that authorized representative was suffering from illness and delay in submitting statement of claim. If claim of workman is accepted, it will amount to back door entry in public sector in violation of public sector employment. 2nd party prays that reference be answered in its favour.

5. Rejoinder is filed at Page 13/1 to 13/11 reiterating their contentions in statement of claim. In rejoinder, workman submits that names of Shri Lachhan Barve and Parasram was corrected by the Ministry as per corrigendum dated 1-6-00. There was no PO posted at the relevant time. The unauthorized agent had died. Delay was caused in submitting statement of claim. The ratio held in various cases are also referred in rejoinder. It is contented that Manager was competent to engage daily wage staff.

6. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the action of the management of Bank of India in not regularizing the services of S/Shri Lachhan Kumar and Govind Pathak and instead contemplating substituting them with a fresh set of workmen, is legal and justified?	In Affirmative
(ii) If not, what relief the workman is entitled to?"	Workmen are not entitled to any relief.

REASONS

7. The term of reference pertains to denial of regularization to Ist party workmen. The claim of Ist party workmen Prakash Rao, Parasram Suryabansi & Arun Dewangan are permitted to be withdrawn as per order dated 24-3-2015. The claim of Ist party workman Shri Lachhan Kumar and Govind Pathak is prosecuting their claim for regularization.

8. Shri Lachhan Kumar Ist party workman filed affidavit that he was working at Bilaspur branch as temporary peon. He was working for 8 hours. He was continuously working. He worked 240 days during each of the calendar year. He holds eligibility for regularization. In his cross-examination, he says that he passed 8th standard. He was first appointed on 7-6-89. He not submitted application, any appointment letter was not issued to him. The post was not advertised. He was engaged on work by Shri S.Padmanabhan on daily wages. The wages were paid obtaining his signatures. His name was not sponsored through Employment Exchange. He was not interviewed. That any examination was not conducted before engagement. Daily wages at Government rate were paid. Regular employees were working at the time of his engagement. 5 peons were working in the Bank. When regular employees was presiding on leave, he used to be called. His attendance was not maintained in register. He has no documents about his working days. He has stated in his affidavit about working 240 days in a calendar year as per the personal information. He denies that he did not work for 240 days.

9. Identical affidavit of evidence is filed by Shri Govind Prasad . in his cross, he says appointment letter was not issued to him. He has no documents about working in the Bank. His name was not sponsored through Employment Exchange, written exam was not taken. He denies that he was not in regular employment of Bank.

10. The evidence of Ist party No.3 to 5 on record needs no discussion as their claim have been withdrawn.

11. 2nd party filed affidavit of evidence of Shri Pradeep Kamble supporting his contentions that workmen are not covered under Section 2(s) of ID Act. If their claim is allowed, it will amount to back door entry. No selection procedure was followed before engaging workman. Daily wage has no right to hold post. Workman accepted engagement as daily wager with open eye. Workmen were not appointed by Competent Authority. They did not worked continuously during any of the year. In his cross-examination, management's witness says that workmen are working on daily wages. Affidavit of his evidence is prepared after going through the record and Bank guidelines. He denies that in 1989, 5 employees working in the Bank were transferred. The management's witness was unable to tell how many post of sub staff were sanctioned. He explained that one post is sanctioned in the Bank. As per requirement casual workers were engaged. Wages were paid by Assistant Manager. Signatures of workers were not obtained on voouchers. Assistant

Manager was not maintaining Attendance Registers. The payment was made as per his memory. The vouchers about payment may be available in Bank. The witness shows his willingness to produce voucher. Management's witness was unable to tell vacancies in extension counter of the Bank. Looking to the payment, the management's witness says workmen were not regularly working. Management submitted information in pursuance of order dated 12-8-2013 that one vacancy of sub staff was in Bilaspur branch.

12. Workmen are claiming regularization. The evidence on record discussed above it not corroborated by any document that they were continuously working rather they worked more than 240 days during any of the calendar year.

13. The evidence of management's witness is in the nature of denial that workmen were continuously working more than 240 days. The engagement of workmen as per exigency is admitted. Workman have pleaded that after intervention of the Competent Authority, they were continuously working but evidence of Ist party No.1 & 5 is not disclosing about the order of status quo issued by Competent Authority and they are continued in employment of Bank.

14. Learned counsel for Ist party Shri Pranay Choubey relies on ratio held in

Case of Amarkant Rai versus State of Bihar and others reported in 2015(8)SCC-265. Their Lordship dealing with entitlement to regularization held similarly situated persons regularized , appellant falling within exception carved out in Umadevi's case 2006(4)SCC-1 were entitled to regularization. The facts of above cited case are not comparable. In above cited case, the appellant was appointed in Class IV post of night guard by Principal of College who was not competent authority to make such appointment, serving on said post for 29 years on daily wage basis. Appointment of appellant done out of necessity ad concern for College and duly intimated to University in 1988. In present case, Ist party workmen were appointed by competent authority, they were engaged as per exigencies. The workmen nhave not adduced evidence about their working details. Therefore the ratio held in the case cannot be applied to case at hand.

15. Shri Pranay Choubey also relied on ratio held in case

Satya Prakash and others versus State of Bihar and others. My attention is pointed out to Para 14 of the judgment. Their Lordship held if board proposes to undertake any regular selection process to fill up the posts, the applications if any submitted by the appellants may also be considered after giving age relaxation.

Ist party workman in statement of claim have pleaded about the bipartite settlement, its copy is not produced on record. Therefore the directions given by Apex Court in Para 14 of the judgment cannot be applied in present case.

16. Shri A.K.Shashi for management relies on ratio held in

Case of State of Himachal Pradesh versus Suresh Kumar Verma and another reported in 1996(2)SLR-321. Their Lordship held adhoc appointment/ appointment on daily wage basis is not an appointment to a post according to the rules. state is bound to follow the rules made by it. Selection has to be according to the recruitment rules.

In case between Post Master General, Kolkata and others versus Tutu Das Dutta reported in 2007(5)SCC-317. Their Lordship dealing with regularization and service law held necessity of strict compliance with scheme of public employment as envisaged under Articles 14,16 & 309- statutory provisions governing recruitment and recruitment rules under statute or Article 309 proviso inviolability of stressed on following the rules. Their Lordship dealing with improper grant of regularization to similarly situated person held the same doesnot create an entitlement to regularization on ground of equal treatment under Article 4. Equality is a positive concept and cannot be invoked where any illegality has been committed or where no legal right is established.

In present case applicant No. 2 to 4 have withdrawn their claim. Shri Pranay Choubey says that workman No. 1 & 5 are denied regularization on the ground of age bar but no such evidence is adduced on record why applicant No. 2 to 4 withdraw their claim. The details are not produced in the case therefore claim of workman for regularization on parity with workman No. 2 to 4 cannot be accepted.

In case of Indian Drugs and Pharmaceuticals Ltd. Versus their workmen reported in 2007(1)SCC-408. Their Lordship iheld that creation of post, appointment, regularization, fixing of pay scales, continuation in service, promotions etc. are functions of executive or legislative and it is highly improper for judges to step into the sphere except in a rare and exceptional case.

When evidence of Ist party No. 1 & 5 is not cogent about they were continuously working for 6-7 years prior to submitting charter of demand or they have completed 240 days continuous service during all those year, the claim for their regularization cannot be accepted. Therefore I record my finding in Point No.1 in Affirmative.

17. In the result, award is passed as under:-

(1) The action of the management is proper and legal.

(2) Workmen are not entitled to any relief.

नई दिल्ली, 17 मई, 2016

का.आ. 1013.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब एंड सिंध बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ सं. 97/09) को प्रकाशित करती है जो केन्द्रीय सरकार को 17.05.2016 को प्राप्त हुआ था।

[सं. एल-12012/70/2009-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 17th May, 2016

S.O. 1013.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 97/09) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the management of Punjab and Sind Bank and their workmen, received by the Central Government on 17.05.2016.

[No. L-12012/70/2009-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR NO. CGIT/LC/R/97/09

Shri Chandrakant Soni,

S/o Shri S.P.Soni,

Infront of Babanrao Shesh's House,

Behind Library, Kilawani,

Bilaspur (CG)

... Workman

Versus

Zonal Manager,

Punjab and Sind Bank,

Dayalbandh,

Bilaspur (CG)

Branch Manager,

Punjab and Sindh Bank,

Dayalbandh, Bilaspur (CG)

... Management

AWARD

Passed on this 14th day of March 2016

1. As per letter dated 24-11-09 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-12012/70/2009-IR(B-II). The dispute under reference relates to:

“Whether the action of the management of Punjab &Sindh Bank, Bilaspur branch (CG) in terminating the services of Shri Chandra Kant Soni, Ex-peon w.e.f. 18-8-01 was legal and justified? To what relief, the workman is entitled to and from which date?”

2. After receiving reference, notices were issued to the parties. Ist party workman submitted statement of claim. Case of Ist party workman is that he was engaged on daily wages in 2nd party Bank as peon from 1-8-82. Initially he was paid Rs.50/- per day. The wages were increased time to time. He was sincerely working. On 20-2-91, 2nd party Bank called applications through advertisement for permanent appointment of peon. The persons who worked minimum 90 days or more as temporary employees after 1-1-1982. The workman submitted his application to the authority of the Bank. The Bank did not consider his applications favorably without valid reasons. However the workman had continued to work in temporary capacity under the hope that some day, he would work as permanent employee of the Bank. On 2-11-1988, circular was issued by Bank that temporary employee shall be considered for absorption in regular service against the permanent vacancies. In list of absorption of temporary peons, his name was included at top but he was not considered for permanent post.

3. That on 26-5-97, the meeting was held at Zonal office, Bhopal between Bank Employees Union and management. After negotiation, the minutes were recorded. Despite of it, he was not regularized. In meeting between Union and management dated 7-6-99, after negotiations, it was agreed that workmen who completed 240 days continuous service, 12 months in a year were to be regularized. 2nd party did not regularise his services even after settlement with the Union. On 7-2-95, 2nd party No.3 recommended his name. that he had worked in Bilaspur branch from 1982 to 1993. His name was recommended for permanent appointment. On 18-5-01, 2nd party No.3 forwarded application to 2nd party No.2 recommending workman for consideration on permanent post. Ist party workman reiterates that he was not absorbed in permanent service. He was working in Bank with the hope that he would be absorbed after some time. That on 18-8-01, his services were terminated orally without notice in violation of provisions of ID Act. Despite of his representations, he was not taken in service. 2nd party has illegally terminated his services. On such ground, workman prays for his reinstatement with backwages.

4. 2nd party filed Written Statement opposing claim of workman. Preliminary objection is raised by 2nd party that term of reference pertains to legality of termination of service where as workman has pleaded in his statement of claim for regularization of his services is not tenable. The claim of workman for regularization is not tenable as dispute pertains to legality of termination of his service. Workman was engaged on daily wages as per need. The services of workman came to end at end of the day. Workman was not terminated from service by the management. It is denied that workman was continuously working more than 240 days. Workman was not appointed following recruitment rules. workman was not continuously working. Workman did not fulfill norms of requirement for permanent employee therefore his name was not considered. The selection process was not challenged by workman. It received finality. 2nd party denies that it had not taken steps for regularizing workman. Said contention of workman is alleged to be contrary to the contentions in Para-5 of statement of claim. 2nd party denies that workman was found fit for permanent post. 2nd party denies that workman completed 240 days continuous working during 12 calendar months or 90 days in a year. 2nd party denies that claim of workman as permanent employee was arbitrarily denied by the Bank. Workman was engaged on daily wages as and when required. Workman was never terminated. Notice of termination was not required to be issued. Workman is not entitled to any relief. On such ground, 2nd party prays reference be answered in its favour.

5. Ist party filed rejoinder reiterating his contentions in statement of claim.

6. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the action of the management of Punjab & Sindh Bank, Bilaspur branch (CG) in terminating the services of Shri Chandra Kant Soni, Ex-peon w.e.f. 18-8-01 was legal and justified?	In Negative
(ii) If not, what relief the workman is entitled to?"	As per final order.

REASONS

7. The term of reference pertains to legality of termination of workman Shri Chandra Kant Soni. Workman alleges termination of his service without notice is in violation of Section 25-F of ID Act. 2nd party denies his contentions submitting that the workman was appointed on daily wages as per exigencies. He was not working for more than 240 days. Engagement of workman on daily wages ended on same day. Workman was not terminated by 2nd party. The documents are produced. Exhibit W-1 appears payment scroll but name of the payee is not appearing in the entire documents consisting of 52 pages. Exhibit W-2 is copy of entries of payment of General Charges. The name of workman is appearing in some of the entries. Payments are made to workman as labour charges. In Exhibit W-3 payment of labour charges to Ist party workman for the period 1-10-94 to 26-11-94 is shown. However Branch Manager was directed to confirm that he had not engaged temporary peon. In Exhibit W-4, payment of salary, basic, DA etc. is shown of Ist party Shri Chandra Kant Soni for the period Sept.90 to Dec-93. Exhibit W-5 is advertisement calling applications from temporary employees working 90 days or more after 1-1-1982. Exhibit W-6 is copy of Bank circular dated 2-11-1988. Clause III deals with absorption of temporary peons completing 240 days in a year. Exhibit W-7 is letter dated 18-5-05 recommending engagement of workman and posting of one gunman. As term of reference pertains to legality of termination of workman, the point of regularization is not included in the terms of reference. Exhibit W-6 has no relevance for deciding legality of termination of workman.

8. Workman filed affidavit of his evidence supporting his claim that he was appointed as temporary peon from 1-8-82. He was working till 17-8-01. As per the advertisement, applications were called for absorption of peon on 22-2-91. In Circular dated 2-11-88 issued by Bank, absorption of temporary peon in regular service was provided. As per negotiations with Union dated 2-5-95, 7-6-99, he was not absorbed in service. His applications dated 18-5-01 recommended for absorption in sub staff was also not considered. He rendered continuous service more than 240 days

prior to his termination on 17-8-01. In his cross-examination, workman says he was not appointed against vacant post. He was working after the Bank was opened. Document Exhibit W-1 does not bear signature of any officer of the Bank. It is written on letter head of the Bank. Exhibit W-2, W-3 were prepared without permission of the Bank Officer. Suggestion is denied that documents relating to his working are not produced. After his re-examination, document Exhibit W-4 was proved. In his cross-examination, workman denies that the document was falsely prepared.

9. Management's witness Shri Sanjay Dubey in his affidavit on evidence says that workman was not appointed by the Bank as regular peon. He was daily wage employee engaged as and when required. No recruitment process was followed. Workman did not work continuously for 240 days in any calendar year. In his cross-examination, management's witness says he had seen letter of Chief Manager, Bilaspur, Zonal Manager Bhopal before preparing affidavit of his evidence. Documents regarding service of workman were not found. He was unable to tell how many days workman had worked in a particular year. He claims ignorance whether workman was engaged as peon by Branch Manager on 5-8-82. Letter sent by Branch Manager is denied. The list of employees shown to him was not prepared by management. List prepared by management is not available. Management's witness denied that junior employees in the list were absorbed in service. He denied that workman was continuously working from 1982 till 8-8-01. He also denied that workman had completed 240 days continuous service during each of the year. Workman was not issued termination notice, he was not paid retrenchment compensation. In para-4 of his affidavit, he stated that workman not worked more than 240 days in a year on the basis of appointment letter issued to workman.

10. The pleadings and evidence of management's witness is clear that workman was engaged temporarily on daily wages. Workman has produced document Exhibit W-2 regarding payment of wages. Exhibit W-3 confirms payment of said wages to workman. Exhibit W-4 shows payment of salary, basic, DA to workman during September 1990 to December 1992. Management's witness in his cross says any record about service of workman is not available.

In case between Director, Fisheries Terminal versus Bhikubhai Meghajibhai Chavda, their Lordship considered ratio held in R.M.Yellatty versus Assistant Executive Engineer reported in 2006(1)SCC-106. The observations are applying general principles land on reading the aforesaid judgments, we find that this Court has repeatedly taken the view that the burden of proof is on the claimant to show that he had worked for 240 days in a given year. This burden is discharged only upon the workman adducing cogent evidence both oral and documentary. In cases of termination of services of daily waged earners, there will be no letter of appointment of termination there will also be no receipt of proof of payment. Thus the workman can only call upon the employer to produce before the Court the nominal muster roll for the given period, the letter of appointment or termination, if any, the wage register, the attendance register etc. Drawing of adverse inference ultimately would depend thereafter on the facts of each case.

Their Lordship further observed the Court of law in a case where provisions of the Indian Evidence Act apply, may presume or may not presume that if a party despite possession of the best evidence had not produced the same, it would have gone against this contentions. The matter, however would be different where despite direction by a court the evidence is withheld.

Evidence of workman is corroborated by documents Exhibit W-4. Workman was recommended as per documents Exhibit W-5, W-6. Those documents shows workman was in employment of 2nd party. 2nd party has not produced documents. Management's witness says any documents about his working are not available, ten how contentions of management that workman had not worked for 240 days in any of the calendar year is not supported by cogent evidence. Partially the evidence of workman is corroborated by document, his services are terminated without notice, workman was not paid retrenchment compensation, termination of workman is in violation of Section 25-F of ID Act. For above reasons, I record my finding in Point No.1 in Negative.

11. Point No.2- In view of my finding in Point No.1 that termination of workman is illegal for violation of Section 25-F of ID Act, question remains for decision whether workman is entitled for reinstatement with backwages. Evidence of workman is clear that he was appointed on temporary basis. He was paid daily wages. He was not absorbed as per advertisement dated 20-2-91. Evidence of workman is clear that he was not appointed following recruitment process against the vacant post.

12. Learned counsel for Ist party Shri Pranay Choubey relies on ratio held in

Case of Mackinnon Machenzie and company Ltd versus Mackinnon Employees Union reported in 2015(2)SCC(L&S) 66. Their Lordship considered retrenchment notice served on 27-7-92, services of workman stood retrenched from close of business hours on 4-8-92, no cogent evidence produced by appellant company to prove that one months salary in lieu of notice was paid to the workmen. The action of the company was in clear breach of conditions precedent for retrenchment of workmen rendering retrenchment illegal/invalid.

The facts of present case are not comparable as workman was not served with any retrenchment notice.

Ratio held in case of Durgapur casual workers Union and others versus Food Corporation of India and others in Civil Appeal No. 10856/2014 also relied. In Para 21 of the judgment, it is noticed that ID Act is made for settlement of industrial disputes and for certain other purposes as mentioned therein. It prohibits unfair labour practice on the part of the employer in engaging employees as casual or temporary employees for a long period without giving them the status and privileges of permanent employees.

Learned counsel pursued his argument that engaging Ist party workman for long period is unfair labour practice and prayed for reinstatement. The terms of reference are restricted to termination of workman. Statement of claim is silent about the alleged unfair labour practice therefore ratio held in case cannot be applied to case at hand.

13. Shri Pranay Choubey further relied on ratio held in case of

Bhuvnesh Kumar Dwivedi versus Hindalco Industries Ltd reported in 2014(11) SCC-85. Their Lordship dealing with Section 6-N of UP Industrial Disputes Act, 1947 and considering workman rendered continuous service for 6 years during which employer followed the process of annually terminating him from service and reappointing him again in the same post. It was held that Section 25 B of ID Act, Section 6 N of UP ID Act are paramateria. That proof of having been in gainful employment post termination of service. Burden of, is on the employer.

14. Workman claimed that he is not in gainful employment. The evidence of management's witness is silent. As workman was engaged on daily wages, he was not appointed following recruitment process, reinstatement of workman would not be appropriate. Considering the long period of working on daily wages, compensation Rs. 2 Lakhs would be appropriate. Accordingly I record my finding in point No.2.

15. In the result, award is passed as under:-

(1) The action of the management of Punjab & Sindh Bank, Bilaspur branch (CG) in terminating the services of Shri Chandra Kant Soni, Ex-peon w.e.f. 18-8-01 is not proper and legal.

(2) 2nd party is directed to pay compensation Rs. 2 Lakhs to the workman.

Amount as per above order shall be paid to workman within 30 days from the date of notification of award. In case of default, amount shall carry 9 % interest per annum from the date of award till its realization.

R. B. PATLE, Presiding Officer

नई दिल्ली, 17 मई, 2016

का.आ. 1014.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ सं. 109/2011) को प्रकाशित करती है जो केन्द्रीय सरकार को 17.05.2016 को प्राप्त हुआ था।

[सं. एल-12012/29/2011-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 17th May, 2016

S.O. 1014.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 109/2011) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the management of Central Bank of India and their workmen, received by the Central Government on 17.05.2016.

[No. L-12012/29/2011-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR NO. CGIT/LC/R/109/2011

Shri Avinash Thool,
S/o Shri Janardhan Thool,
Ambedkar Nagar,
Tikarapara,
Raipur (CG)

... Workman

Versus

Branch Manager,
Central Bank of India,
Sadar Bazar,
Raipur(CG)

...Management

AWARD

Passed on this 15th day of February, 2016

1. As per letter dated 8-11-2011 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-12012/29/2011-IR(B-II). The dispute under reference relates to:

“Whether the retrenchment/ termination of service of Mr. Avinash Thool, Ex-Peon by the management of Central Bank of India, Sadar Bazar, Raipur (CG) without observing the provision of Section 25-F of the ID Act is justified and legal? What relief the workman is entitled to?”

2. After receiving reference, notices were issued to the parties. Ist party workman filed to file statement of claim. Workman was proceeded ex parte on 12-5-2015.

3. 2nd party management filed ex parte Written Statement. Case of 2nd party management is that Ist party was never appointed by the Bank, he was not given appointment letter. Employer employee relationship is denied by management. The Ist party worked as casual labour on temporary need basis, he was paid whenever he was engaged to do labour work. 2nd party submits that the applicant never worked more than 240 days in a calendar year, as such he is not entitled to any benefit under section 25(F) of ID Act.

4. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the retrenchment/ termination of service of Mr. Avinash Thool, Ex-Peon by the management of Central Bank of India, Sadar Bazar, Raipur (CG) without observing the provision of Section 25-F of the ID Act is justified and legal?	In Affirmative
(ii) If not, what relief the workman is entitled to?”	Workman is not entitled to any relief.

REASONS

5. As stated above, workman has failed to participate in reference proceeding. No statement of claim is filed by workman. In ex parte Written Statement filed by 2nd party, employer employee relationship is denied. It is contended that workman not completed 240 days continuous service. He was engaged on casual basis.

6. Management filed affidavit of evidence of Ms. Kakoli Das covering contentions of management in Written Statement. As workman failed to participate in reference and cross-examine management's witness, I donot find reason to discard evidence of management's witness. Workman has failed to substantiate his contentions about illegal termination of his services therefore I record my finding in Point No.1 in Affirmative.

7. In the result, award is passed as under:-

- (1) The retrenchment/ termination of service of Mr. Avinash Thool, Ex-Peon by the management of Central Bank of India, Sadar Bazar, Raipur (CG) by management is proper and legal.
- (2) Workman is not entitled to any relief.

R. B. PATLE, Presiding Officer

नई दिल्ली, 17 मई, 2016

का.आ. 1015.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब नैशनल बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ सं. 176/00) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.05.2016 को प्राप्त हुआ था।

[सं. एल-12012/78/2000-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 17th May, 2016

S.O. 1015.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 176/00) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the management of Punjab National Bank and their workmen, received by the Central Government on 17.05.2016.

[No. L-12012/78/2000-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR NO. CGIT/LC/R/176/00

Shri Charanlal Marve,
H.No.40, Behind Jyoti Cinema,
Jabalpur

...Workman

Versus

Regional Manager,
Punjab National Bank,
Napier Town,
In front of Homescience college,
Wright Town, Shastri Bridge,
Jabalpur

...Management

AWARD

Passed on this 10th day of March 2016

1. As per letter dated 11-9-2000 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No. L-12012/78/2000/IR(B-II). The dispute under reference relates to:

“Whether the action of the management of the Regional Manager, Punjab National Bank, Jabalpur (MP) in dismissing the services of Shri Charan Lal Marve S/o Late Shri Moolchand Marve an employee of Ghampur branch w.e.f. 17-10-97 is justified? If not, to what relief the workman is entitled to?”

2. After receiving reference, notices were issued to the parties. Case of Ist party workman is that he was appointed as sweeper in 1982. He was honestly working. Chargesheet was issued to him on 4-1-96 for baseless allegations. Workman denied allegation in said chargesheet. Management was not satisfied with reply. Enquiry was conducted against him without giving opportunity of defence. As per order dated 20-7-96, one increment of workman was withheld.

3. Ist party workman further submits that Manohar cooked a false story that workman used indecent abusive language in the Bank. Workman was suspended on 20-6-96. Chargesheet was issued to him on 7-8-96. Workman denied allegations against him enquiry was initiated against him. Workman participated in Enquiry Proceedings Enquiry Officer submitted his report on 9-2-97 holding that charges alleged against workman were proved. After receiving report of Enquiry Officer, workman submitted representation dated 17-2-97. Workman was dismissed as per order dated 16-5-97. Workman reiterates that the chargesheet dated 7-8-96 is vague and ambiguous. The documents were not produced in the enquiry. Material witnesses were not produced before Enquiry Officer. Workman was not given opportunity to adduce evidence. Enquiry was not conducted following proper procedure. Enquiry Officer acted as prosecutor rather than Judge. Enquiry officer ignored defence of workman while submitting his report. The findings of Enquiry Officer are not based on material record and as such are perverse. That punishment imposed against workman is severe. The defence of workman was ignored by Disciplinary Authority. The punishment is extremely harsh and disproportionate to the alleged misconduct. The appeal preferred by workman was rejected without applying mind. The action of the management is arbitrary, unjust and unreasonable. On such ground, workman prays for setting aside order dated 16-5-96, 5-11-97.

4. 2nd party filed Written Statement at Page 9/1 to 9/4 opposing claim of workman. 2nd party submits that Ist party workman was employed as sweeper at Ghampur branch. He was remaining absent on pretext of illness. Showcause

notice was served to him on 11-2-99. Chargesheet was issued on 14-4-93, 16-10-93. Various letters were issued to workman. As workman failed to comply with the directions, chargesheet was issued to him on 4-1-96. Workman failed to submit reply to chargesheet. DE was conducted as per order dated 4-3-96. Shri Vijay Kumar Branch Manager was appointed as Enquiry Officer and Shri P.K.Jain Assistant Manager was appointed as Presenting Officer. Enquiry was conducted. During enquiry, workman admitted charges against him. Enquiry Officer submitted his report holding charges against workman proved. The Disciplinary Authority granted opportunity of personal hearing to workman, punishment of stoppage of one increment was imposed against workman on 20-7-06.

5. 2nd party further submits on 20-7-96, workman used abusive and indecent language and threatened to the officers of the Bank chargesheet was issued to workman on 7-8-96. Reply given by workman was not found satisfactorily. Shri L.J.Dhanwani was Enquiry Officer, Shri N.P.Bhutani was Presenting Officer. Enquiry was conducted on various dates details shown in Para 12. Enquiry Officer submitted his report. That charges against workman are proved. Considering the report of Enquiry Officer, after giving personal hearing to the workman and issuing showcause notice, the punishment of dismissal was imposed on 17-6-97. 2nd party reiterates that workman was given proper opportunity for his defence. It is denied that workman was not supplied documents on his request. Workman was given personal hearing. It is denied that Manohar cooked false story. Workman did not submit reply to the chargesheet. It is denied that defence of workman was ignored. It is denied that punishment of dismissal was imposed without considering the facts mentioned in the representation. It is denied that appellate authority rejected the appeal without applying mind. 2nd party prays that reference be answered in its favour.

6. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the misconduct alleged against workman is proved from evidence in Enquiry proceedings?	In Affirmative
(ii) Whether the punishment of dismissal imposed against workman is proper and legal?	In Affirmative
(iii) If not, what relief the workman is entitled to?"	Workman is not entitled to any relief.

REASONS

7. The enquiry conducted against workman is found proper and legal. Workman has not adduced evidence on other issues. Management also did not adduce evidence on other issues. Evidence of both parties was closed on 28-1-2015. The record of enquiry is produced. During course of argument, learned counsel for 2nd party Shri A.K.Shashi pointed out my attention to the statements of management's witnesses recorded before Enquiry Officer at Page 10/31, 10/33, MW-2 at Page 10/34, MW-3 at Page 10/50, MW-4 at Page 10/56, MW-6 at Page 10/67. Workman not adduced evidence of any defence witnesses. The statement of workman was recorded at Page 10/80 onwards. I have carefully gone through the statements of the witnesses of management. At Page 10/33, workman has abused using indecent language and also threatened officers in the Bank. The evidence of witness No.2,3& 5 corroborates the evidence of MW-1 about indecent abuses given by workman to the officers and threatening. The scope of judicial review is limited. The re-appreciation of evidence in Enquiry Proceedings is not permissible. The findings of Enquiry Officer are supported by evidence of management's witnesses. The evidence of management's witnesses is sufficient to prove the misconduct/charges alleged against workman. Therefore I record my finding in Point No.1 in Affirmative.

8. Point No.2- the charges/ misconduct alleged against workman are proved from evidence in Enquiry Proceedings. The misconduct alleged against workman is in abusing in indecent language to the officers of the Bank and using threatening language. The proved misconduct is of serious nature. Therefore punishment of dismissal imposed against workman appears proper. No interference is called in the order of punishment.

9. Shri A.K.Shashi relies on ratio held in

Case between Mahindra and Mahindra Ltd versus N.B.Naravade reported in 2005-I-LLJ-1129. Their Lordship dealing with power under Section 11-A of ID Act. The discretion of Labour Court/ Industrial Tribunal to interfere with punishment not unlimited. Sympathy alone not enough to reduce punishment. On facts use of abusive, filthy language against superior officer held did not call for lesser punishment than dismissal.

Case between New Shorrock Mills versus Maheshbhai T.Rao reported in 1997-I-LLJ-1212. Ratio held in the case pertains to the respondent workman was discharged from service as badli worker. He was given 30 days salary in lieu of notice.

The facts of the New Shorrock Mills case are not comparable. Ratio held in the case cannot be applied to case at hand. From above discussions, it is clear that the punishment of dismissal imposed against workman for using indecent abusive language, threatening Bank officers, the punishment of dismissal is appropriate. No interference is called in the order of dismissal. Accordingly I record my finding in Point No.2 in Affirmative.

10. In the result, award is passed as under:-

- (1) The action of the management of the Regional Manager, Punjab National Bank, Jabalpur (MP) in dismissing the services of Shri Charan Lal Marve S/o Late Shri Moolchand Marve is proper and legal.
- (2) Workman is not entitled to any relief.

The registers of enquiry produced by management be returned back after notification of award.

R. B. PATLE, Presiding Officer

नई दिल्ली, 17 मई, 2016

का.आ.1016.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ सं. 324/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.05.2016 को प्राप्त हुआ था।

[सं. एल-12012/213/99-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 17th May, 2016

S.O. 1016.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 324/99) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the management of Bank of India and their workmen, received by the Central Government on 17.05.2016.

[No. L-12012/213/99-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR NO. CGIT/LC/R/324/99

The Secretary,
Rashtriya Karmachari Sangathan,
9, Sanver Road, Hardev Niwas,
Ujjain

...Workman/Union

Versus

Regional Manager,
Bank of India,
B.T.College Road,
Anand Nagar, Khandwa (MP)

...Management

AWARD

Passed on this 16th day of February 2016

1. As per letter dated 3-11-99 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No. L-12012/213/99-IR(B-II). The dispute under reference relates to:

“Whether the action of the management of Bank of India in terminating the services of Shri Santosh Kumar Inchurkar is legal and justified? If not, to what relief the concerned workman is entitled to?”

2. After receiving reference, notices were issued to the parties. Ist party workman submitted statement of claim through General Secretary Bank Employees Union Ujjain at Page 4/1 to 4/6. The case of Ist party is that he was appointed as permanent peon on 18-6-86 under reserve category for SC ST. On 5-5-93, one person from shop of Shri Basant Lal Shah came to the branch and handed over Bank pass book and withdrawal form for Rs.8000/- to him. Workman had submitted pass book and withdrawal form to ledger keeper as customer service. The ledger keeper had obtained his signature and issued token No.14. the entry of the amount was taken in SBI Account No. 11284 of Mr. Shah in pass book and token book and sent to the passing officer. On the same day, passing officer Shri T.R.Katare sanctioned withdrawal of Rs.8000/- and sent to cashier for payment. The cashier obtained signature of workman and paid amount of Rs. 8000/- to him in notes of different denominations. On 23-9-93, workman was suspended without any enquiry. Chargesheet was issued to him after 5 months without calling any explanation from him. The statement of passing officer Shri T.R.Katare. Basant Lal Shah were recorded in Enquiry Proceedings. Workman alleged that the charges were false. He was dismissed from service. The appeal preferred by him was rejected. Workman also contended that enquiry was not properly conducted. Mr. Dangle was appointed as Enquiry Officer on 28-2-94 without calling explanation from him. Enquiry was initiated. That management's witness Shri Nayar in his statement said that he has not received report in writing. Shri Katre Passing Officer in his statement claimed ignorance why incident was reported after 4-5 months of the alleged incident. The findings submitted by Enquiry Officer are perverse. The order of dismissal of his service is illegal. His appeal was not decided within 2 months as per standing orders. The Bank got documents examined through handwriting expert Shri Sarvate. That the job of examining finger print expert is on the police. It is reiterated that the enquiry is not properly conducted. Principles of natural justice were violated. On such ground, workman prays for his reinstatement with backwages.

3. 2nd party filed Written Statement at Page 3/1 to 3/4 opposing claim of workman. 2nd party submits that workman was appointed as Sepoy/ Hammal on 1607084. On 10-2-92, he was transferred to Badwah branch. The service record of workman was not clean. That as per findings of Enquiry Officer, workman had fraudulently withdrawn Rs.8000/- from Account No. 11284 of Shri Basant Shah forging his signature for withdrawal. Workman had presented 4 withdrawal slip and obtained Token No.14 signing on the reverse side of withdrawal slip. He received amount of Rs.8000/- of notes of different denomination. Considering serious misconduct committed by workman, he was suspended on 23-9-93. The delay in chargesheet was due to administrative reasons. 2nd party denies that workman was not given opportunity for filing reply to the chargesheet. Workman had submitted explanation in writing on 20-2-94. Enquiry Officer and Presenting Officers were appointed, list of witnesses was produced. Enquiry was conducted as per rules. Workman was given reasonable opportunity for his defence. The Defence Representative Shri K.K.Bajpai was allowed. Management's witness were cross-examined. Principles of natural justice were followed. The charges alleged against workman were proved as per the report submitted by Enquiry Officer. It is reiterated that on 5-3-93, workman was in necessity of funds. He forged signature of Shri Shah and withdrawn amount of Rs.8000/- from his Saving Account. Thinking that workman had familiar relation with Mr. Shah and he may not have objection considering the charges proved against workman as per findings of Enquiry Officer, punishment of dismissal was imposed. Considering the evidence, appeal preferred by workman is rejected. Action of management is proper. It is for the Bank to decide whether matter be reported to police or not. That the Bank is public financial institution and custodian of public wards. There is no financial loss as amount has been recovered from workman. There is great loss in trust and faith therefore Bank cannot continue the employment of workman of doubtful integrity.

4. Workman submitted rejoinder at Page 12/1 to 12/4 reiterating his contentions in statement of claim that charges alleged against him are imaginary and false. Enquiry conducted against him is in violation of principles of natural justice. Order of his dismissal is illegal.

5. As per order dated 27-2-2013, enquiry conducted against workman is found proper and legal. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the charges alleged against workman is proved from evidence in Enquiry proceedings?	In Affirmative
(ii) Whether the punishment of dismissal imposed against workman is proper and legal?	In Affirmative
(ii) If not, what relief the workman is entitled to?”	Workman is not entitled to any relief.

REASONS

6. Point No.1- As per order dated 27-2-2013, enquiry conducted against workman is found legal. Whether the charges alleged against workman are proved needs to be decided from the evidence in Enquiry Proceedings. Ist party workman has produced documents Exhibit W-1 to W-8. Chargesheet issued to workman is produced at Exhibit W-6. Charge no.1 alleged against workman pertains to fraudulent withdrawal of Rs.8000/- from Saving Bank Account 11284 of Shri Basant Shah on 5-5-94 forging his signature. Charge no.2 pertains to misuse of consumer loan of Rs.12050 not purchasing the goods for which the consumer loan was sanctioned. The workman returned amount of Rs. 8000/- to Shri Basant Shah from the consumer loan. Exhibit W-8 is enquiry report holding that the charges alleged against workman are proved. The order of penalty is produced at Exhibit W-10. Order passed by Appellate Authority is produced at Exhibit W-12 rejecting the appeal. Management has produced documents Exhibit M-1 to M-14.

7. Statement of management's witness Shri Nayar is recorded at Page 19/23 to 19/24. His evidence is devoted on the point that amount of Rs.8000/- was withdrawn from Saving Bank Account 11284 on 5-5-93 by withdrawal slip. The withdrawal was sanctioned by Shri T.R.Katre. Token no.14 was issued to workman. He had signed on reverse side of withdrawal slip. Amount was paid to workman Shri Santosh. The specimen signature of Account Holder Basant Lal were attested by Special Assistant Mr. Katare on 26-2-92. Account Holder was introduced by workman Santosh Kumar. The payment entries were taken in the ledger and pass book. In his cross-examination, witness claims ignorance whether amount of Rs.8000/- was paid to Shri Basant Lal. That complaint in writing was not received about withdrawal of said amount. He claims ignorance whether Shri Basant Lal asked for payment of said amount. MW-2 Hemlata in her statement before Enquiry Officer confirmed her statement recorded on 1-9-93 by Investigating Officer Mr. Hastak. The withdrawal slip P-3 from Account No. 11284 submitted by workman Shri Santosh Kumar. She had taken entry in P-6 ledger and P-5 list of payment. Her statement was marked as P-2. In her cross-examination, witness Hemlata says after she was asked to give statement, she had given her statement. Workman Shri Santosh had given withdrawal slip P-3 to her. In cross-examination of both the witnesses, their evidence is not shattered that workman had submitted withdrawal slip and payment was sanctioned by Shri Katare Passing Officer. The amount of Rs.8000/- was paid to workman.

8. MW-3 Shri Basant Lal Account Holder did not support management. When he was asked about his signature on withdrawal slip dated 5-3-83, he avoided to reply specifically even he avoided to tell whether he received amount. Witness of management said he has nothing to say that he has no complaint, he had received amount. He admitted his signature on his statement marked P-11. The evidence of management's witness Shri P.R.Katare is on point that he confirmed his statement P-12. In his cross-examination, witness says that statement P-12 was not written by him, it was written by Investigating Officer Shri Hastak. The statement was mostly recorded as per his say. That Shri Basant Lal had come to him is not recorded in his statement. When signature used to be tallied some variation used to be noticed. Statement of management's witness No.6 is devoted on the point that he was working as Officer in the Bank on 29-7-94. Workman was sanctioned consumer loan of Rs.12050. He had not purchased the articles for which loan was advanced. That the witness was not cross-examined. His evidence was not challenged. MW-7 Shri Satish in his evidence confirmed his statement recorded by Investigating Officer Mr. Hastak.

9. Document Exhibit M-1 is withdrawal slip. The signatures appearing on it are different of specimen signature at P-4. In his statement workman has admitted that one person had come to him alongwith pass book and withdrawal slip. He withdrawn the amount and paid said amount to Shri Basant Lal Shah. The statement of workman was recorded before Enquiry Officer. Workman claimed that he was innocent. He had to pay amount of withdrawal to Shri Basant Lal Shah but he had gone to Akola therefore amount could not be paid. The amount was paid to him after his meeting. His wife was not keeping well.

10. The scope of judicial review is limited. The evidence cannot be re-appreciated. The evidence in Enquiry Proceeding is sufficient to establish Charge No.1 fradulent withdrawal of amount. Therefore I record my finding in Point No.1 in Affirmative.

11. Point No.2- In view of my finding in Point No.1 charges against workman are proved pertains to fraudulent withdrawal of Rs.8000 of Shri Basant Lal and misuse of the loan Rs. 12050 . Amount of Rs. 8000 was paid to Shri Basant Lal by workman. The evidence on record shows that workman had paid Rs.8000/- to Shri Basant Lal Shah subsequently. The Bank has not suffered loss. The question is whether punishment of dismissal imposed against workman is proper and legal.

12. Learned counsel for 2nd party management Shri A.K.Shashi on the point relies on ratio held in-

Case of Karnataka Bank Ltd. Versus A.L.Mohan Rao reported in 2006(1)SCC-63. Their Lordship dealing with respondent charged with gross misconduct of colluding with a Branch Manager. The respondent admitting that he did all acts necessary for said loan, knowing that he had no authority to do any of the acts and being dismissed on being found guilty. Their Lordship held gross misconduct of this nature does merit dismissal. It cannot be seen what other type of misconduct would merit dismissal. It cannot be seen what other type of misconduct would merit dismissal. It is not for courts to interfere in cases of gross misconduct of this nature

with decision of disciplinary authority on any mistaken notion of sympathy, so long as inquiry has been fair and proper and misconduct proved. In such matters it is for disciplinary authority to decide what is the fit punishment.

In present case, enquiry against workman is found proper and legal. As per my finding in Point No.1, evidence is clinching that workman had fraudulently withdrawn amount of Rs.8000/- from Saving account of Shri Basant Lal Shah, the punishment of dismissal imposed upon workman cannot be said excessive or improper. For above reasons, I record my finding in Point No.2 in Affirmative.

13. In the result, award is passed as under:-

- (1) The action of the management of Bank of India in terminating the services of Shri Santosh Kumar Inchurkar is legal and proper.
- (2) Workman is not entitled to any relief.

R. B. PATLE, Presiding Officer

नई दिल्ली, 17 मई, 2016

का.आ. 1017.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इलाहाबाद बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ सं. 16/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.05.2016 को प्राप्त हुआ था।

[सं. एल-12012/102/2009-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 17th May, 2016

S.O. 1017.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 16/2010) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the management of Allahabad Bank and their workmen, received by the Central Government on 17.05.2016.

[No. L-12012/102/2009-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR NO. CGIT/LC/R/16/2010

Shri Shiv Shankar Gupta,
S/o Shri Ganga Prasad Gupta,
Vill- Patraha, PO Dhera,
Distt. Rewa (MP) ...Workman

Versus

Branch Manager,
Allahabad Bank,
Branch/PO Dhera,
Distt. Rewa (MP) ...Management

AWARD

Passed on this 11th day of February 2016

1. As per letter dated 29-1-2010 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-12012/102/2009-IR(B-II). The dispute under reference relates to:

“Whether the action of the management of Allahabad Bank in terminating the services of Shri Shiv Shankar Gupta is legal and justified? To what relief the claimant is entitled for and from which date?”

2. After receiving reference, notices were issued to the parties. Workman submitted statement of claim on 18-11-2000. Case of Ist party workman is that he was initially appointed as computer operator in Dhera branch of the Bank on 16-9-06 against vacant permanent post. His appointment was made by Manager K.K.Singh after interview as per the policy norms. Thereafter the workman worked as computer operator with sincerity. The service record was unblemished. Workman was continuously working from 16-9-06 to 20-10-08. The workman further submits that he was paid salary Rs.2080 @ Rs.80 per day. His salary was increased to Rs.2340/- @ 90 Rs. per day in June 2007. From September 2007, his salary was increased to Rs. 2600 @ Rs.100 per day for 26 working days. Workman reiterates that he completed more than 240 days continuous service. He was entitled for regularization. His services were orally dispensed from 20-10-08 without assigning any reasons. He was not served with notice. Termination of his service without following legal procedure is discriminatory violating principles of natural justice. Workman submits that termination of his service amounts to unfair labour practice and victimization. That his services are terminated in violation of section 25-F of ID Act. On such ground, workman prays for his reinstatement with consequential benefits.

3. 2nd party filed Written Statement on 7-12-12 opposing claim of workman. 2nd party submits that workman was never employed in Dhera branch as computer operator by Competent Authority of the Bank. That Shri K.K.Singh was not competent to engage workman. There is no arbitrary policy of recruitment in the Bank. The Bank has definite policy for recruitment identifying vacancies inviting applications. That recruitment is made after written exam and interview as per the guidelines. Reservation policy is followed. The certificate issued by Shri K.K.Singh is of no consequence.

4. It is denied that workman was in continuous service from 16-9-06 to 20-10-08. It is denied that workman completed 240 days continuous service. It is denied that Ist party is covered as workman under Section 2(s) of ID Act. workman was never appointed by Bank. There was no question of his retrenchment in violation of Section 25-F of ID Act. Ist party has no right to claim employment. The allegation of unfair labour practice or colourable exercise of power, victimization has been denied. 2nd party prays award be passed in its favour.

5. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the action of the management of Allahabad Bank in terminating the services of Shri Shiv Shankar Gupta is legal and justified?	In Negative
(ii) If not, what relief the workman is entitled to?"	As per final order.

REASONS

6. Ist party is challenged termination of his service for violation of Section 25-F of ID Act. The allegations are denied by management of 2nd party.

7. Workman filed affidavit supporting his claim that he was continuously working as computer operator from 16-9-06 till 20-10-08. In his further cross-examination, workman says that he had gone to the Bank, advertisement was displayed on notice board, then he submitted application for computer operator in 2006. His application is in Bank. He submitted statement of salary received by him and certificate issued by Branch Manager. In his cross-examination, Ist party workman says prior to 2006, he had account in Bank therefore he was frequently visiting Bank. The post of computer operator was advertised, 3 persons were interviewed with him, he could not tell their names. Shri K.K.Singh, Gautam and B.G.Gourkhede were officers of the Bank who interviewed him. that he had not written name of Mr. Gourkhede in his affidavit. In his further cross examination, workman says he passed MA. He was not given appointment letter despite of his request. Certificate was issued by Manager referred to witness and therefore marked Exhibit W-1. That Regional office of Bank is at Satna. 4 employees were working at that time. that he was paid wages Rs.80 per day. Other employees were not paid daily wages. Distance between zonal office at Satna and his office is about 30 kms. Zonal office was supervising work of his office. He did not complained to zonal office. That he was appointed after interview and regular salary and appointment letter was not given to him. His services were orally terminated. He was paid wages under voucher and amount used to be transferred to his Bank account. His brother and mother were helping him while he was not in service. He was not doing any other work.

8. Evidence of Ist party is corroborated by evidence of Shri Vishnu Patel. Witness No.2 Shri Patel in his affidavit of evidence says that he had taken tractor loan of Rs..4,15,000 from Allahabad Bank. The pass book for loan account No. 4151 was received by him. That he was acquainted with Ist party workman from 29-11-07. He was working as computer operator. His further evidence is devoted that he was going to the Bank for depositing loan in instalments. He had seen workman working in the Bank. The entries of the instalments deposited by him were taken in pass book signed

by workman. In his cross-examination, witness No.2 says he taken loan from Allahabad Bank. He was visiting Bank therefore he was acquainted with workman. He denies that workman was his friend and therefore he was falsely deposing to support his claim. Witness No.2 denies that the signature on book of loan account could be obtained at any time. after re-examination of the witness, copy of pass book and zerox copy of Saving Account are proved at Exhibit W-2 & W-3. In his cross, witness denied that signature in loan pass book could be obtained at any time. the evidence of witness No.2 is not shattered in his cross. There is no evidence about friendship between Ist party workman and witness No.2.

9. Management's witness Pradyumna Kumar Patnaik filed affidavit of his evidence supporting contentions of workman that workman was never appointed as computer operator in the Bank. He was not working in Bank during 16-9-06 to 20-10-08. He also denied payment of wages to workman. There is no post of computer/ data feeder in the Bank. Workman was not appointed following recruitment rules. In his cross-examination, management's witness says there is no post of Data Operator in the Bank. He denies that Bank Manager Shri K.K.Singh had engaged workman for the work. Workman was not paid salary by cheque. Witness of management admitted statement of account Exhibit W-4. Notice of termination was not issued to workman. he was not paid retrenchment compensation.

10. Documents produced at exhibit W-1 workman was working as computer data feeder in the branch during the period 16-9-06 to 11-10-07. Said certificate is issued for Mr.K.K.Singh Gautam, Branch Manager. Management has not examined Shri K.K.singh in rebuttal of the evidence adduced by management. In Exhibit W-4 payment of salary shown in Account of workman on 2-6-07, 2-8-07, 1-9-07, 3-10-07, 2-11-07, 30-11-07, 1-1-08 & 4-2-08 are entries of amount credited by transfer on account of workman. The documents Exhibit W-2, W-3 proved by witness No.2 shows that said witness was having loan account in the Bank and be deposited amount as per Exhibit W-2 were initialed after taking entries. Ist party had submitted application for production of documents on 4-7-2013. The documents produced on record and evidence of Witness No.2 corroborates evidence of workman that he was continuously working from 16-9-06 to 20-10-08. He completed more than 240 days continuous service. His services are terminated without notice. Workman was not paid retrenchment compensation therefore termination of service of workman is illegal for violation of Section 25-F of ID Act. For above reasons, I record my finding in Point No.1 in Negative.

11. Point No.2- In view of my finding in Point No.1 termination of service of workman is illegal for violation of Section 25-F of ID Act, question arises whether workman is entitled for reinstatement with backwages.

12. Evidence of Ist party workman shows that post of computer operator was advertised, he was interviewed by Branch Manager Shri K.K.Singh Gautam. Workman has not produced any documents about the post was advertised, interview call received by him. His evidence that he was appointed after oral interview shows that recruitment rules were not followed. Any written test was not conducted. Workman has not produced document about his educational qualifications. The evidence in cross-examination of workman shows appointment letter was not issued to him, he was not paid required salary. As per the evidence workman was not appointed following recruitment policy. Considering short period of his working, his claim for reinstatement cannot be accepted. Learned counsel for Ist party Shri Rakesh Kumar Kesharwani relies on ratio held in case of Tapash Kumar Paul versus BSNL and others. The citation submitted by learned counsel is incomplete, only one page is produced. Considering facts and circumstances of the case, in my considered view, compensation Rs. 50,000/- would be appropriate.

13. In the result, award is passed as under:-

- (1) The action of the management of Allahabad Bank in terminating the services of Shri Shiv Shankar Gupta is legal and proper.
- (2) 2nd party is directed to pay compensation Rs.50,000/- to the workman.

Amount as per above order shall be paid to workman within 30 days from the date of notification of award. In case of default, amount shall carry 9 % interest per annum from the date of award till its realization.

R. B. PATLE, Presiding Officer

नई दिल्ली, 17 मई, 2016

का.आ. 1018.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आन्ध्र बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चण्डीगढ़ के पंचाट (संदर्भ सं. 89/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17/05/2016 को प्राप्त हुआ था।

[सं. एल-12012/76/2012-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 17th May, 2016

S.O. 1018.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 89/2012) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No.1, Chandigarh as shown in the Annexure, in the industrial dispute between the management of Andhra Bank and their workmen, received by the Central Government on 17/05/2016.

[No. - L-12012/76/2012- IR(B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE SHRI SURENDRA PRAKASH SINGH, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT-I, CHANDIGARH

Case No. ID No. 89 of 2012, Reference No. L-12012/76/2012/IR(B.II) dated 29.01.2013.

Sh. Ashok Kumar Chokkar S/o Sh. B.R.Singh, R/o H.No. D-67, Chanakaya Place, Pankh Road, (Opp. C-I, Janakpuri) New Delhi.

...Workman

Versus

The Branch Manager, Andhra Bank, Amritsar Branch, Hall Bazar Amritsar – 143001. Amritsar (Punjab)

...Respondent

Aparances

For the Workman : Shri U.K. Sharma, Advocate.

For the Management : None. Already exparte.

Award Passed on:-12.02.2016

Government of India Ministry of Labour vide notification No. L-12012/76/2012/IR(B.II) dated 29.01.2013 has referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management of Andhra Bank, in Compulsorily Retiring of Sh. Ashok Kumar w.e.f. 29-05-2008 is just and legal? If not to what relief the concerned workman is entitled to and from which date?”

2. The workman in claim statement submitted that he was appointed as clerk in 1977 and later on promoted and posted at Amritsar Branch in Hall Bazar as assistant management without any change in the nature of duties. His work and conduct was satisfactory. It is pleaded by the workman that he was suspended on 4.12.2006 and on 15.3.2007 a charge sheet was served to him without calling his explanation. The workman denied the charges/allegations and the management appointed a subordinate official Shri N.Satyanarayana as enquiry officer who toed the line given by the management and conducted the enquiry in a partial and biased manner. The objections raised by the workman were not recorded by the enquiry officer and he was not given fair and proper opportunity to record his defence statement to lead his evidence and he was not allowed to bring witnesses in support of his case. Original documents were not supplied and fake complaint was supplied to the workman. The complainant was not produced in the enquiry. It is pleaded that entire enquiry was an eyewash and empty formality before punishing him and such an inquiry is liable to be vitiated being violative of principles of natural justice. The enquiry officer proved the charges in a wrongful manner. The disciplinary authority concurred with the defective findings of the enquiry officer which led to wrong and disproportionate punishment of compulsory retirement from service w.e.f. 29.5.2008 when the workman still had more than five years of service without consideration for the previous clean record of the workman. The Appellate Authority without applying its mind rejected the appeal of the applicant. The management also held enquiry at the head quarter at Hyderabad which was a deliberate act on the part of management as the workman face difficulty of language. No police report has been lodged against the workman by the management as the complaint was false. The order of punishment was passed by subordinate authority in rank than the appointing authority which is against the law. No show cause notice was given to

the workman. The enquiry conducted was an eye wash and perverse in nature. The whole case was cooked up by the manager to shunt out the workman to hide his misdeeds. The management purely failed to prove the allegation contained in the charge sheet. Review petition was also dismissed without applying its mind. The workman prayed that charge sheet, enquiry proceedings and punishment order may be quashed and direct the management to reinstate the workman.

3. Management filed written statement in the form of the affidavit of Sh. Binod Kumar Pattanaik working as Chief Manager (P&D) Andhra Bank, Zonal Officer, Chandigarh. Preliminary objection has been taken by the management that penalty of compulsorily retirement was imposed upon the applicant on the misconduct which he committed while working as officer and he does not fall under the definition of workman as defined U/S 2 (s) of the I.D.Act 1947. It is further pleaded that disciplinary action has been taken against the applicant for misappropriating the cash remitted by the customer to the credit of his loan account and penalty was imposed after fair and proper inquiry. The applicant already received his terminal benefits, therefore, the applicant is estopped from raising any dispute. On merits it is pleaded that applicant accepted a cash receipt of Rs.2000/- from one Sharan Singh but applicant did not account for the money received in the books of the bank despite issue of counter file duly initialed and stamped. The customer lodged a complaint with the bank on 3-10-2006. The matter was investigated and the workman was served with the charge sheet. The contents of charge sheet dated 15-03-2007 are as under:

“It is alleged against you that while working as Asst. Manager at Amritsar Branch, you have committed certain serious irregularities. The irregularities that have come to light so far and detailed in the Statement of Allegations (Annexure-I) would indicate that:

On 30-11-2005, you have accepted cash receipt of Rs. 2000/- deposited by Sri Sharan Singh for the credit of his Clean Loan account No. 2004/6. You have not accounted for the amount in the books of the bank by not entering the transaction in the system. The resultant excess cash was also not reported, recorded in the books of the bank, as evidenced by:

- 1.1 Issuing a counter-foil in token of receipt of the amount duly initialed and noted the amount in figures,
- 1.2 Affixing a cash received rubber stamp with date thereon and thus misappropriated the amount.

The above acts committed by you indicate that you have failed to discharge your duty with diligence, devotion and honesty and failed to protect the interests of the Bank. Thus you have committed breach of Regulation 3(1) of Andhra Bank Officer Employee's (Conduct) Regulations, which constitute misconduct as per Regulation 24 of the said Regulations.

You are hereby advised to submit to the under signed, your written statement of Defence, if any, within fifteen days from the date of receipt of this letter of Articles of Charge, failing which it will be construed that you have no defence to offer and further action will be taken accordingly.

You may, if you so desire, peruse the relative records/ documents at the branch to submit your reply within the said period”.

4. It is further pleaded by the management that regular departmental enquiry was ordered and Mr. N.Satyanarayana a Senior Manager was appointed as Enquiry Officer and Mr. K. Janardhan Rao was appointed as Presenting Officer. Mr. V.Anil Kumar, General Secretary of the Andhra Bank Officers Union defended the applicant during enquiry in which the applicant and his defence representative participated in the enquiry proceedings and cross examined the witness of the management. The enquiry officer held the charge against the applicant proved after thorough analysis of the evidence which was recorded during enquiry. The copy of enquiry report was supplied to the applicant for his submissions and applicant preferred his submission on 28-02-2008. The disciplinary authority after careful consideration imposed the penalty of compulsory retirement on applicant vide order dated 29-5-2008. The Appellate Authority after due consideration confirmed the above penalty vide order dated 31-10-2008. The review preferred by the applicant was also rejected. It is further pleaded that allegation of the applicant that even after his promotion as officer he was discharging the very same duties as was discharging while in clerical cadre is factually incorrect and the same is invented only for the purpose of raising this Industrial Dispute even though he was officer and the disciplinary action taken against him was for his misconduct committed as an officer. The cash duties discharged by the applicant were in addition to the other duties discharged by him as an officer. The management denied the allegation of the applicant that being an acting member of the union he was eyesore of the management. The management also denied that disciplinary action has been taken against the applicant on false and fabricated allegations. It is pleaded that principle of natural justice have been adhere to during enquiry. The punishment was imposed upon the applicant after due consideration. It is also submitted that the applicant having accepted the penalty imposed on him after having received all the terminal benefits without any protest and drawing pension till date is estopped from raising any dispute. It is prayed that the claim of the applicant is devoid of merit and deserves rejection.

5. After filing of the written statement the management abstained from the proceedings, thus proceeded ex parte.

6. The applicant filed replication to the written statement reiterating the claim made in the claim statement.
7. The applicant filed affidavit and also the application for summoning documents. The applicant himself also placed documents on record. The documents containing letter of suspension of the applicant, charge sheet along with list of documents, reply to the charge sheet, enquiry proceedings held against the applicant, documents exhibited by the management MEX-1 to 19 and defence documents DEX -1 to 26 .
8. Ex parte arguments of the learned counsel for the applicant heard and gone through the pleadings, affidavits and documents produced on record.
9. The preliminary objection has been raised in the counter affidavit filed on behalf of the management is that the applicant was working as an officer in the bank and the applicant does not fall under the definition of the workman as defined under section 2(s) of the ID Act 1947, so the applicant can not raise any Industrial Dispute before this Tribunal. In this context the applicant in his claim statement stated that his last drawn salary was Rs.23000/- per month when he was compulsorily retired from service w.e.f. 29th May, 2008. Applicant further submitted in his rejoinder that his primary duties were of a skilled workman and that was the dominant purpose of his employment. Applicant in his rejoinder also mentioned certain case laws in which it has been held that designation of an employee is not material but what is important is the nature of duties. Since the nature of cash duties of the applicant was a cashier and cashier is a workman according to the decision of Allahabad High Court in the case of Ram Naresh Singh Prihar Vs. U.P.State Sugar Corporation Ltd. and another 1993 LLR 644, mere high sounding designation of Assistant Manager but performing the duties of a cashier, or salary ceiling of Rs. 1600/- per month will not convert the employment into a supervisory or managerial nature.

10. Section 2(s) of the Industrial Disputes Act 1947 provides as under:

- (s) “workman” means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person –
 - (i)
 - (ii).....
 - (iii).....
- (jv) who, being employed in a supervisory capacity, draw wages exceeding one thousand and six hundred Rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature”. By the Industrial Disputes (Amendment) Act, 2010, words “one thousand six hundred rupees”, substituted as “ten thousand rupees”.

11. The applicant cited and relied upon the following case laws in his replication which are as under:

- (1) Rao AGR Vs. Ciba Geigy of India Ltd. 1985 S 1 SCR, 1985 2 LLJ 401
- (2) Anand Bazar Patrika (P) Ltd. Vs its workmen (1970) 3 SCC 248: (1969),II LLJ 670
- (3) May & Baker India Ltd. Vs. their workmen (1961) II LLJ 94 : AIR 1961 SC 678.
- (4) Western India Match Co. Ltd. Bareilly Vs. their workmen (1963) II LLJ 459
- (5) Management of M/s Roneo Vickers India Ltd. Vs. Lieut. Governor of Delhi & Ors 1994 LLR 253 (Delhi HC)
- (6) Christian Medical college & Hospital, Vellore Vs. (1) Presiding Officer, Labour Court, Vellore (2) L.Chinnapan 2003 LLR 595 (Mad.HC) wherein it was held that an employee though designated as Accounts Officer, but in fact doing the job of an Assistant Account will be “workman” under S. 2(s) of the Industrial Disputes Act,1947.

12. In Civil Appeal nos. 5=6543-6544 of 2004 decided on 25.5.2007, Mr. C.Gupta Versus Glaxosmithklin Pharmaceutical Limited held that the nomenclature is really not of any consequence- whether a particular employee comes within the definition of workman has to be decided factually. In CA No.1581 of 1994 decided on 8.3.1994 S.K.Maini Versus M/S Carona Sahu Company Limited and others, the Hon’ble supreme court held that designation of employee is not of much importance- status be determined with reference to main duties performed by the employee. It is not possible to lay down straight jacket formula which can decide the dispute as to the real nature of duty and functions being performed by an employee in all cases. The Hon’ble supreme Court further observed that workman quantum of salary- if principal function of employee is of supervisory nature, the employee will not be workman only if he draws a particular quantum of salary at the relevant time as indicated in section 2(s). In Civil Appeal No.1673 of 1982 decided on 8-3-84 Ved Parkash Gupta Vs. M/s Delton Cable India (P) Ltd., The Hon’ble Supreme Court held that Substantial duty of the appellant was only of a security inspector of the gate of the factory premises and that it was

neither managerial nor supervisory in nature- Appellant clearly falls within the definition of workman in Section 2 (s) of the Act. The Hon'ble Punjab and Haryana High Court in the case of Rajesh Garg Versus the management of Punjab State Tubewell Corporation Ltd. , 1985 (1) PLR page 153 held that workman – Legal Assistant- Duties of petitioner neither supervisory nor managerial – petitioner's duty at best was that of a skilled clerk having in his clerical duties to put up notes and seek instructions. It is further held that duties of the petitioner was "techno-clerical" with the aid of legal knowledge which the petitioner possessed- These duties by no stretch of imagination be regarded as administrative or managerial – Especially when the petitioner had no administrative control over any body and was rightly designated to 'assist' the Corporation in matters asked by it – Petitioner held a 'workman' within the meaning of section 2(s) of the Act. The Hon'ble Supreme Court in case of Sharad Kumar versus Government of NCT of Delhi and other, 2002 (3) SCT 857 held that duties of an employee determine his status as to be covered or not within the definition of "workman".

13. In view of the above case laws, the applicant was doing the duties of receipt cashier and management could not file any evidence which could lead to the conclusion that workman was discharging the duties of supervisory or in managerial capacity. Thus it is held that applicant was workman and he can file the present case before this Tribunal.

14. Workman submitted that departmental enquiry was conduct at Hyderabad a faraway place from the posting of the workman and enquiry officer was biased. The enquiry officer did not record the objections raised by the workman nor was the workman allowed to present his defence witness. From the perusal of the enquiry report, oral evidence of Mr. M.P.Soni branch manager Amritsar was recorded during the departmental enquiry. It is also revealed that no defence witness was examined during the enquiry. From the perusal of the charge sheet it is revealed that holder of loan account no. 2004/6; Sh. Sharan Singh made a complaint to the bank authorities on 30-11-2005 that while workman was working on cashier receipt a sum of Rs. 2000/- was deposited by him but that was not accounted for in the books of the bank by the workman. This complaint was made with the bank on 8-10-2006. Workman submitted that the above complaint was made by above Sharan Singh to the bank authorities after about 10 months. This complaint has been substantiated by Mr. M.P.Soni branch manager whereas the author of the complaint was not examined in the departmental enquiry. Workman submitted that the contents of the complaint could be proved by examining the author Sh. Sharan Singh who was not examined during the departmental enquiry. In this context the workman cited (2009) 2 Supreme Court cases 570 Roop Singh Negi Vs. Punjab National Bank and others wherein the Hon'ble Supreme Court observed that Departmental enquiry – Documentary evidence – Manner in which required to be proved – Held, mere production of documents is not enough – Contents of documentary evidence has to be proved by examining witnesses – Further held, FIR in itself is not an evidence without actual proof of facts stated therein- Criminal Procedure Code, 1973,S.154. The Hon'ble Supreme Court also observed - Departmental enquiry- Appreciation of evidence- Conclusions to be based on evidence – Held, enquiry report, if based conjectures and surmises, cannot be sustained.

15. From the perusal of the enquiry proceedings dated 13-10-2007 it is revealed that defence representative requested to enquiry officer for permission to examine Mr. Rajit Vohra as defence witness. Workman pointed out in enquiry proceedings that Mr. Rajit Vohra knows the back ground of the incident and workman also possessing the conversation between the complainant Mr. Sharan Singh and Mr.Rajit Vohra and also make available the C.D.before the enquiry authority as defence Exhibit and said witness and C.D. may be permitted to be produced during enquiry. To this presenting officer raised certain objection and enquiry officer concluded that objection raised by presenting officer were to be sustained and the defence witness was not allowed to be produced in departmental enquiry. From the above, by not allowing defence witness by the enquiry officer, the workman was prejudiced. In (2007) I Supreme Court Cases 437 Mathura Prasad Vs. Union of India and Others, the Hon'ble Supreme Court held that when an employee by reason of an alleged act of misconduct, is sought to be deprived of his livelihood, the procedures laid down under the sub-rules are required to be strictly followed. A judicial review would lie even if there is an error of law apparent on the face of the record. If statutory authority uses its power in a manner not provided for in the statute or passes an order without application of mind, judicial review would be maintainable. Even an error of fact for sufficient reasons may attract the principles of judicial review.

16. In another case law in (2002) 10 Supreme Court Cases 590 R.K.Panjetha Versus Haryana Vidyut Prasaran Nigam Ltd. and Another, it is held that Compulsory retirement – Punitive or simpliciter – Order of compulsory retirement stating that on the basis of the report and recommendations of the Committee the appointing authority came to the conclusion that the integrity of the officer concerned was doubtful and that it was not in the interest of the employer company to keep him in service- Such an order, held, stigmatic and punitive – Hence, quashed.

17. Thus with this infirmity in the departmental enquiry committed by enquiry officer and the punishment order i.e. compulsory retirement imposed upon the workman has to be setaside.

18. As for the relief part is concerned the workman has already attained the age of superannuation in the year 2013. From the written statement of the management it is also not disputed that workman has already received his terminal benefits which includes gratuity, commutation etc. It is also not disputed that workman is continuously receiving his pension from the date of punishment i.e. 29-05-2008. From the record it is also revealed that workman raised the demand notice in the year 2012 against the penalty imposed on 29-05-2008 about after more than 4 years. In Civil Appeal

No. 4980 of 2014 decided on 28-01-2014, Tapas Kumar Paul Versus BSNL and Another, the Hon'ble Supreme Court has held as under:

"It is no doubt true that a Court may pass an order substituting an order of reinstatement by awarding compensation but the same has to be based on justifiable grounds viz. (I) where the industry is closed; (ii) where the employee has superannuated or going to retire shortly and no period of service is left to his credit; (iii) where the workman has been rendered incapacitated to discharge the duties and cannot be reinstated and / or (iv) when he has lost confidence of the Management to discharge duties. What is sought to be emphasised is that there may be appropriate case on facts which may justify substituting the order of reinstatement by award of compensation, but that has to be supported by some legal and justifiable reasons indicating why the order of reinstatement should be allowed to be substituted by award of compensation."

19. Thus taking into consideration the facts and circumstances of the case and in view of the discussion made above, as the workman has already attained the age of superannuation in the year 2013 and also it is fact that he has raised the demand notice in the year 2012 itself well after four years of the penalty order dated 29.5.2008, the reinstatement is not possible. Thus following the law laid down above by the Hon'ble Supreme Court, the workman is awarded compensation to the tune of Rs. 100000/- (one lakh only) to be paid by the management within one month from the date of the publication of the award.

20. The reference is answered accordingly. Central Govt. be informed. Soft copy as well as hard copy be sent to the Central Govt. for publication.

Chandigarh
12.02.2016

S. P. SINGH, Presiding Officer

नई दिल्ली, 17 मई, 2016

का.आ. 1019.—केन्द्र सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 (यथासंशोधित, 1987) के नियम 10 के उप-नियम (4) के अनुसरण में, अम और रोजगार मंत्रालय के प्रशासकीय नियंत्रणाधीन निम्नलिखित कार्यालयों को, जिनके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, एतद्वारा अधिसूचित करती है :

1. कर्मचारी राज्य बीमा निगम शाखा कार्यालय, सिविल लाइन्स, गुडगांव, हरियाणा।
2. कर्मचारी राज्य बीमा निगम शाखा कार्यालय, मानेसर, हरियाणा।
3. कर्मचारी राज्य बीमा निगम शाखा कार्यालय, धारुहेरा, हरियाणा।
4. कर्मचारी राज्य बीमा निगम शाखा कार्यालय, डूंडाहेरा, हरियाणा।

[सं. ई-11017/1/2006-रा.भा.नी.]

देवेन्द्र सिंह, आर्थिक सलाहकार

New Delhi, the 17th May, 2016

S.O. 1019.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Languages (Use for official purposes of the Union) Rules, 1976 (as amended, 1987) the Central Government hereby notifies following offices under the administrative control of the Ministry of Labour and Employment, more than 80% Staff whereof have acquired working knowledge of Hindi :

1. ESIC Branch Office, Civil Lines, Gurgaon, Haryana.
2. ESIC Branch Office, Manesar, Haryana.
3. ESIC Branch Office, Dharuhera, Haryana.
4. ESIC Branch Office, Dundahera, Haryana.

[No. E-11017/1/2006-RBN]

DEVENDER SINGH, Economic Adviser